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☆DR. D. H. ARMSTRONG

United States, March 1977

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☆DR. D. H. ARMSTRONG

United States Constitu

SEPR







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CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA

WITH THE  
AMENDMENTS THERETO:

TO WHICH ARE PREFIXED  
THE DECLARATION OF INDEPENDENCE, THE ARTICLES  
OF CONFEDERATION, AND THE ORDINANCE  
OF 1787;

AND TO WHICH ARE ADDED THE  
RULES OF THE SENATE, THE JOINT RULES  
OF THE TWO HOUSES,

AND  
JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE;

WITH  
SOME GENERAL LAWS OF USEFUL REFERENCE IN  
LEGISLATION, AND OTHER INTERESTING  
MATTER, FROM AUTHENTIC  
SOURCES.

BY  
W. J. McDONALD,  
CHIEF CLERK OF THE SENATE.

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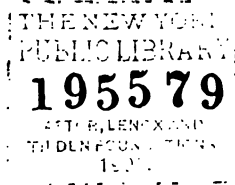
PRINTED FOR THE USE OF THE SENATE

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WASHINGTON:  
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W. J. McDONALD  
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DECLARATION OF INDEPENDENCE,

JULY 4, 1776.

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# DECLARATION OF INDEPENDENCE.

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A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

[JULY 4, 1776.]

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new

Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the Population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States :

For cutting off our Trade with all parts of the world :

For imposing Taxes on us without our Consent :

For depriving us, in many cases, of the benefits of Trial by Jury :

For transporting us beyond Seas to be tried for pretended offenses :

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies :

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments :

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation, and tyranny, already



begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow-Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms; our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

WE, therefore, the REPRESENTATIVES of the UNITED STATES OF AMERICA IN GENERAL CONGRESS assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT States; that they are Absolved from all Allegiance to the British Crown, and that

*Declaration of Independence.*

7

all political connection between them and the State of Great Britain is, and ought to be, totally dissolved ; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, We mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members :

JOHN HANCOCK.

*New Hampshire.*

JOSIAH BARTLETT,  
WILLIAM WHIPPLE,

MATTHEW THORNTON.

*Massachusetts Bay.*

SAMUEL ADAMS,  
JOHN ADAMS,

ROBERT TREAT PAINE,  
ELBRIDGE GERRY.

*Rhode Island, etc.*

STEPHEN HOPKINS,

WILLIAM ELLERY.

*Connecticut.*

ROGER SHERMAN,  
SAMUEL HUNTINGTON,

WILLIAM WILLIAMS,  
OLIVER WOLCOTT.

*New York.*

WILLIAM FLOYD,  
PHILIP LIVINGSTON,

FRANCIS LEWIS,  
LEWIS MORRIS.

*New Jersey.*

RICHARD STOCKTON,  
JOHN WITHERSPOON,  
FRANCIS HOPKINSON,

JOHN HART,  
ABRAHAM CLARK.

*Pennsylvania.*

ROBERT MORRIS,  
BENJAMIN RUSH,  
BENJAMIN FRANKLIN,  
JOHN MORTON,  
GEORGE CLYMER,

JAMES SMITH,  
GEORGE TAYLOR,  
JAMES WILSON,  
GEORGE ROSS.

*Declaration of Independence.**Delaware.*

CESAR RODNEY,  
GEORGE READ,

THOMAS MCKEAN.

*Maryland.*

SAMUEL CHASE,  
WILLIAM PACA,

THOMAS STONE,  
CHARLES CARROLL, of  
Carrollton.

*Virginia.*

GEORGE WYTHIE,  
RICHARD HENRY LEE,  
THOMAS JEFFERSON,  
BENJAMIN HARRISON,

THOMAS NELSON, jr.,  
FRANCIS LIGHTFOOT LEE,  
CARTER BRAXTON.

*North Carolina.*

WILLIAM HOOPER,  
JOSEPH HEWES,

JOHN PENN.

*South Carolina.*

EDWARD RUTLEDGE,  
THOMAS HEYWARD, jr.,

THOMAS LYNCH, jr.,  
ARTHUR MIDDLETON.

*Georgia.*

BUTTON GWINNETT,  
LYMAN HALL,

GEORGE WALTON.

*Resolved*, That copies of the Declaration be sent to the several assemblies, conventions, and committees or councils of safety, and to the several commanding officers of the Continental Troops: That it be PROCLAIMED in each of the UNITED STATES, and at the HEAD of the ARMY.—[*Four. Cong.*, vol. 1, p. 396.]

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# ARTICLES OF CONFEDERATION

DONE

AT PHILADELPHIA

ON

THE 9<sup>TH</sup> OF JULY, 1778.

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## ARTICLES OF CONFEDERATION.

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[While the Declaration of Independence was under consideration in the Continental Congress, and before it was finally agreed upon, measures were taken for the establishment of a constitutional form of government; and on the 11th of June, 1776, it was "*Resolved*, That a committee be appointed to prepare and digest the form of a confederation to be entered into between these Colonies;" which committee was appointed the next day, June 12, and consisted of a member from each Colony, namely: Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. McKean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. On the 12th of July, 1776, the committee reported a draught of the Articles of Confederation, which was printed for the use of the members under the strictest injunctions or secrecy.

This report underwent a thorough discussion in Congress, from time to time, until the 15th of November, 1777; on which day, "Articles of Confederation and Perpetual Union" were finally agreed to in form, and they were directed to be proposed to the Legislatures of all the United States, and if approved by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States; and in that event they were to become conclusive. On the 17th of November, 1777, the Congress agreed upon the form of a circular letter to accompany the Articles of Confederation, which concluded with a recommendation to each of the several Legislatures "to invest its delegates with competent powers, ultimately, and in the name and behalf of the State, to subscribe articles of confederation and perpetual union of the United States, and to attend Congress for that purpose on or before the 10th day of March next." This letter was signed by the President of Congress and sent, with a copy of the articles, to each State Legislature.

On the 26th of June, 1778, Congress agreed upon the form of a ratification of the Articles of Confederation, and directed a copy of the articles and the ratification to be engrossed on parchment; which, on the 9th of July, 1778, having been examined and the blanks filled, was signed by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. Congress then directed that a circular letter be addressed to the States whose delegates were not present, or being present, conceived they were not authorized to sign the ratification, informing them how many and what States had ratified the Articles of Confederation, and

desiring them, with all convenient dispatch, to authorize their delegates to ratify the same. Of these States, North Carolina ratified on the 21st and Georgia on the 24th of July, 1778; New Jersey on the 26th of November following; Delaware on the 5th of May, 1779; Maryland on the 1st of March, 1781; and on the 2d of March, 1781, Congress assembled under the new form of government.]

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## ARTICLES OF CONFEDERATION.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

*We, the undersigned, delegates of the States affixed to our names, send greeting:*

Whereas the delegates of the United States of America in Congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz :

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE I. The style of this confederacy shall be, "The United States of America."

ARTICLE II. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare;

binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively : *Provided*, That such restrictions, shall not extend so far as to prevent the removal of property imported into any State to any other State, of which the owner is an inhabitant : *Provided, also*, That no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two nor by more than seven members; and no person shall be capable of

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being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any King, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any King, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any King, prince, or state, in pursuance of any treaties already proposed by Congress to the Courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State,

except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled; and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land forces are raised by any State for the common defense, all officers of, or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct; and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare and allowed

by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances: *Provided*, That no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally, appeals in all cases of captures: *Provided*, That no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any State in contro-

versy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence or judgment, which shall, in like manner, be final and decisive; the judgment or sentence, and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: *Provided*, That every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, "*well and truly to hear and determine the matter in question, according to the best of his judgment*."

*without favor, affection, or hope of reward :"* *Provided, also,* That no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States ; fixing the standard of weights and measures throughout the United States ; regulating the trade and managing all affairs with the Indians, not members of any of the States : *Provided,* That the legislative right of any State within its own limits, be not infringed or violated ; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction ; to appoint one of their number

to preside ; provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States, an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisitions shall be binding ; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled ; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same ; in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor

appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the Army or Navy, unless nine States assent to the same ; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each State on any question, shall be entered on the journal, when it is desired by any delegate ; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with : *Provided*, That no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this union ; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confeder-

ation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union : *Know ye*, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which, by the said confederation, are submitted to them ; and that the articles thereof shall be inviolably observed by the States we respectively represent ; and that the union shall be perpetual.

IN WITNESS WHEREOF we have hereunto set our hands, in Congress. DONE AT PHILADELPHIA, in the State of PENNSYLVANIA, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the INDEPENDENCE OF AMERICA.

*On the part and behalf of the State of New Hampshire.*

JOSIAH BARTLETT,

JOHN WENTWORTH, jr., August 8, 1778.



*Articles of Confederation.**On the part and behalf of the State of Massachusetts Bay.*

JOHN HANCOCK,  
SAMUEL ADAMS,  
ELBRIDGE GERRY,

FRANCIS DANA,  
JAMES LOVELL,  
SAMUEL HOLTEN.

*On the part and in behalf of the State of Rhode Island and Providence Plantations*

WILLIAM ELLERY,  
HENRY MARCHANT,

JOHN COLLINS.

*On the part and behalf of the State of Connecticut.*

ROGER SHERMAN,  
SAMUEL HUNTINGTON,  
OLIVER WOLCOTT,

TITUS HOSMER,  
ANDREW ADAMS.

*On the part and behalf of the State of New York.*

JAS. DUANE,  
FRA. LEWIS,

WM. DUER,  
GOUV. MORRIS.

*On the part and in behalf of the State of New Jersey*

JNO. WITHERSPOON,

NATH. SCUDDER, Nov. 26. 1778.

*On the part and behalf of the State of Pennsylvania.*

ROBT. MORRIS,  
DANIEL ROBERDEAU,  
JONA. BAYARD SMITH,

WILLIAM CLINGAN,  
JOSEPH REED, July 22nd. 1778.

*On the part and behalf of the State of Delaware.*

THOS. MCKEAN, Feb. 13, 1779,  
JOHN DICKINSON, May 5, 1779,

NICHOLAS VAN DYKE.

*On the part and behalf of the State of Maryland.*

JOHN HANSON, March 1, 1781,

DANIEL CARROLL, March 1, 1781.

*On the part and behalf of the State of Virginia.*

RICHARD HENRY LEE,  
JOHN BANISTER,  
THOMAS ADAMS,

JNO. HARVIE,  
FRANCIS LIGHTFOOT LEE.

*On the part and behalf of the State of North Carolina.*

JOHN PENN, July 21, 1778.  
CORNS. HARNETT,

JNO. WILLIAMS.

*On the part and behalf of the State of South Carolina.*

HENRY LAURENS,  
WILLIAM HENRY DRAYTON,  
JNO. MATHEWS,

RICHARD HUTSON,  
THOMAS HEYWARD, JR.

*On the part and behalf of the State of Georgia.*

JNO. WALTON, July 24th, 1778,  
EWD. TELFAIR,

EWD. LANGWORTHY.

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# ORDINANCE

FOR THE

GOVERNMENT OF THE TERRITORY OF THE UNITED  
STATES NORTHWEST OF THE OHIO RIVER,  
COMMONLY CALLED THE OR-  
DINANCE OF '87.

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## ORDINANCE OF 1787.

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### AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE OHIO RIVER.

[IN CONGRESS, JULY 13, 1787.]

*Be it ordained by the United States in Congress assembled,* That the said Territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

*Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said Territory, dying intestate, shall descend to and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the Legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said Territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be,

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and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year, after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

*Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings every six months to the secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices, and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which

laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers. All general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers in each county or township as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly: *Provided*, That for every five hundred free male inhabitants, there shall be one representative; and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of

representatives shall be regulated by the Legislature : *Provided*, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years ; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same : *Provided, also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years ; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum ; and the members of the council shall be nominated and appointed in the following manner, to wit : As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress ; five of whom Congress shall appoint and commission to serve as aforesaid ; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress ; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress ; five of

whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office, the governor before the President of Congress, and all other officers before the governor. As soon as a Legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

*It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent, to wit:*



ARTICLE 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said Territory.

ART. 2. The inhabitants of the said Territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force in the said Territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, *bona fide* and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said Territory, and the States which may be formed therein, shall ever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all

the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the Federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said Territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said Territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said terri-

torial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

*Be it ordained by the authority aforesaid,* That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

Done by the United States in Congress assembled the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

CHARLES THOMPSON,

*Secretary.*

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CONSTITUTION  
OF  
THE UNITED STATES OF AMERICA  
AND  
THE AMENDMENTS THERETO,  
WITH THE  
DATES OF THE RATIFICATIONS OF THE CONSTITUTION AND  
AMENDMENTS.

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# CONSTITUTION.

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WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I.

### SECTION I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### SECTION II.

<sup>1</sup> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

<sup>2</sup> No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

<sup>3</sup> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, [which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.\*] The actual Enumeration shall be

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\* The portion of this clause within brackets has been amended by the 14th amendment, 2nd section, on page 54.

made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

<sup>4</sup> When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

<sup>5</sup> The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

#### SECTION III.

<sup>1</sup> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

<sup>2</sup> Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

<sup>3</sup> No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the

United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

<sup>4</sup> The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

<sup>5</sup> The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

<sup>6</sup> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

<sup>7</sup> Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of Honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

#### SECTION IV.

<sup>1</sup> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

<sup>2</sup> The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

#### SECTION V.

<sup>1</sup> Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.



<sup>2</sup> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

<sup>3</sup> Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one-fifth of those Present, be entered on the Journal.

<sup>4</sup> Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

#### SECTION VI.

<sup>1</sup> The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

<sup>2</sup> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

#### SECTION VII.

<sup>1</sup> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

<sup>2</sup> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to

the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

<sup>3</sup> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

#### SECTION VIII.

The Congress shall have Power

<sup>1</sup> To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

<sup>2</sup> To borrow Money on the credit of the United States;

<sup>3</sup> To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

<sup>4</sup> To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

<sup>5</sup> To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

<sup>6</sup> To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

<sup>7</sup> To establish Post Offices and post Roads;

<sup>8</sup> To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

<sup>9</sup> To constitute Tribunals inferior to the Supreme Court;

<sup>10</sup> To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

<sup>11</sup> To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

<sup>12</sup> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

<sup>13</sup> To provide and maintain a Navy;

<sup>14</sup> To make Rules for the Government and Regulation of the land and naval Forces;

<sup>15</sup> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

<sup>16</sup> To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

<sup>17</sup> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

<sup>18</sup> To make all Laws which shall be necessary and proper for

carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## SECTION IX.

<sup>1</sup>The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

<sup>2</sup>The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

<sup>3</sup>No Bill of Attainder or ex post facto Law shall be passed.

<sup>4</sup>No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

<sup>5</sup>No Tax or Duty shall be laid on Articles exported from any State.

<sup>6</sup>No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

<sup>7</sup>No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

<sup>8</sup>No Title of Nobility shall be granted by the United States: And no Person holding any office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

## SECTION X.

<sup>1</sup>No State shall enter into any Treaty, Alliance, or Confedera-

tion; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

<sup>2</sup> No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

<sup>3</sup> No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

## ARTICLE II.

### SECTION I.

<sup>1</sup> The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows

<sup>2</sup> Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

\* [The electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhab-

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\* This clause has been superseded and annulled by the 12th amendment, on page 52.

itant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A Quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

<sup>3</sup>The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

<sup>4</sup>No person except a natural-born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

<sup>5</sup>In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties

of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

<sup>6</sup> The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

<sup>7</sup> Before he enter on the execution of his Office he shall take the following Oath or Affirmation :—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

#### SECTION II.

<sup>1</sup> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

<sup>2</sup> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but

the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

<sup>3</sup> The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

## SECTION III.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

## SECTION IV.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE III.

## SECTION I.

The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

## SECTION II.

<sup>1</sup> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United



States, and Treaties made, or which shall be made, under their Authority ;—to all Cases affecting Ambassadors, or other public Ministers, and Consuls ;—to all Cases of admiralty and maritime Jurisdiction ; —to Controversies to which the United States shall be a Party ;—to Controversies between two or more States ;—between a State and Citizens of another State ;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

<sup>2</sup> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

<sup>3</sup> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

#### SECTION III.

<sup>1</sup> Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

<sup>2</sup> The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### ARTICLE IV.

##### SECTION I.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And

the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

## SECTION II.

<sup>1</sup> The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

<sup>2</sup> A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

<sup>3</sup> No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

## SECTION III.

<sup>1</sup> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

<sup>2</sup> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

## SECTION IV.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## ARTICLE VI.

<sup>1</sup> All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

<sup>2</sup> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

<sup>3</sup> The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty-seven and of the Independence of the United States of America the Twelfth. In WITNESS whereof We have hereunto subscribed our Names.

GEO WASHINGTON—  
*Presidt and deputy from Virginia.*

*New Hampshire.*

JOHN LANGDON,  
NICHOLAS GILMAN.

*Massachusetts.*

NATHANIEL GORHAM,  
RUFUS KING.

*Connecticut.*

WM. SAML. JOHNSON,  
ROGER SHERMAN.

*New York.*

ALEXANDER HAMILTON.

*New Jersey.*

WIL: LIVINGSTON,  
WM. PATERSON,  
DAVID BREARLEY,  
JONA. DAYTON.

*Pennsylvania.*

B. FRANKLIN,  
ROBT. MORRIS,  
THO: FITZSIMONS,  
JAMES WILSON,  
THOMAS MIFFLIN,  
GEO: CLYMER,  
JARED INGERSOLL,  
GOUV: MORRIS.

Attest:

*Delaware.*

GEO: READ,  
JOHN DICKINSON,  
JACO: BROOM,  
GUNNING BEDFORD, Jun'r,  
RICHARD BASSETT.

*Maryland.*

JAMES M'HENRY,  
DANL. CARROLL,  
DAN: OF ST. THOS: JENIFER.

*Virginia.*

JOHN BLAIR,  
JAMES MADISON, Jr.

*North Carolina.*

WM. BLOUNT,  
HU. WILLIAMSON,  
RICH'D DOBBS SPAIGHT.

*South Carolina.*

J. RUTLEDGE,  
CHARLES PINCKNEY,  
CHARLES COTESWORTH PINCK-  
NEY,  
PIERCE BUTLER.

*Georgia.*

WILLIAM FEW,  
ABR. BALDWIN.

WILLIAM JACKSON, *Secretary.*

ARTICLES  
IN ADDITION TO, AND AMENDMENT OF,  
THE CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA.

PROPOSED BY CONGRESS AND RATIFIED BY THE LEGISLATURES OF THE  
SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE  
ORIGINAL CONSTITUTION.

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ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall

not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### ARTICLE VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## ARTICLE XII.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one

vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

## ARTICLE XIII.

## SECTION I.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

## SECTION II.

Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.

## SECTION I.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life,



liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION II.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION III.

No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

SECTION IV.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall

assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

## SECTION V.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## (ARTICLE XV.

## SECTION I.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

## SECTION II.

The Congress shall have power to enforce this article by appropriate legislation.

RATIFICATIONS  
OF  
THE CONSTITUTION.

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Of the thirteen States which originally composed the Union under the Confederation, eleven ratified the Constitution prior to the 4th of March, 1789, the time fixed by the resolution of September 13, 1788, for commencing proceedings under it, viz :

Delaware, December 7, 1787.  
Pennsylvania, December 12, 1787.  
New Jersey, December 18, 1787.  
Georgia, January 2, 1788.  
Connecticut, January 9, 1788.  
Massachusetts, February 6, 1788.  
Maryland, April 28, 1788.  
South Carolina, May 23, 1788.  
New Hampshire, June 21, 1788.  
Virginia, June 26, 1788.  
New York, July 26, 1788.

Of the other two States, North Carolina ratified the Constitution on the 21st of November, 1789; of which, information was communicated to Congress by the President, in a message dated January 28, 1790.

Rhode Island ratified it on the 29th of May, 1790; of which, also, information was communicated to Congress by the President, in a message dated June 1, 1790.

The State of Vermont, by convention, ratified the Constitution on the 10th of January, 1791, and was, by an act of Congress of the 18th of February, 1791, "received and admitted into this Union as a new and entire member of the United States of America."

RATIFICATIONS  
OF THE  
AMENDMENTS TO THE CONSTITUTION.

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The first ten of the preceding articles of amendment, (with two others which were not ratified by the requisite number of States,) were submitted to the several State Legislatures by a resolution of Congress which passed on the 25th of September, 1789, at the first session of the First Congress, and were ratified by the Legislatures of the following States :

New Jersey, November 20, 1789.

Maryland, December 19, 1789.

North Carolina, December 22, 1789.

South Carolina, January 19, 1790.

New Hampshire, January 25, 1790.

Delaware, January 28, 1790.

Pennsylvania, March 10, 1790.

New York, March 27, 1790.

Rhode Island, June 15, 1790.

Vermont, November 3, 1791.

Virginia, December 15, 1791.

The acts of the Legislatures of the States ratifying these amendments were transmitted by the governors to the President, and by him communicated to Congress. The Legislatures of Massachusetts, Connecticut, and Georgia, do not appear by the record to have ratified them.

The 11th article was submitted to the Legislatures of the several States by a resolution of Congress passed on the 5th of March, 1794, at the first session of the Third Congress; and on the 8th of January, 1798, at the second session of the Fifth Congress, it was declared by the President, in a message to the two Houses of Congress, to have been adopted by the Legislatures of three-fourths of the States, there being at that time sixteen States in the Union.

The twelfth article was submitted to the Legislatures of the several States, there being then seventeen States, by a resolution of Congress passed on the 12th of December, 1803, at the first session of the Eighth Congress; and was ratified by the Legislatures of three-fourths of the States, in 1804, according to a proclamation of the Secretary of State dated the 25th of September, 1804.

The thirteenth article was submitted to the Legislatures of the several States, there being then thirty-six States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865, by the Legislatures of the following States:

Illinois, February 1, 1865.  
Rhode Island, February 2, 1865.  
Michigan, February 2, 1865.  
Maryland, February 3, 1865.  
New York, February 3, 1865.  
West Virginia, February 3, 1865.  
Massachusetts, February 3, 1865.  
Pennsylvania, February 3, 1865.  
Maine, February 7, 1865.  
Kansas, February 8, 1865.  
Ohio, February 8, 1865.  
Minnesota, February 8, 1865.  
Virginia, February 9, 1865.  
Indiana, February 13, 1865.  
Nevada, February 16, 1865.  
Louisiana, February 17, 1865.  
Wisconsin, February 21, 1865.  
Missouri, February 24, 1865.  
Tennessee, March 4, 1865.  
Vermont, March 9, 1865.  
Arkansas, April 14, 1865.  
Connecticut, May 4, 1865.

New Hampshire, June 30, 1865.

South Carolina, November 13, 1865.

North Carolina, December 1, 1865.

Alabama, December 2, 1865.

Georgia, December 6, 1865.

The following States not enumerated in the proclamation of the Secretary of State also ratified this amendment:

Oregon, December 11, 1865.

California, December 20, 1865.

Florida, June 9, 1868.

The States of Delaware, New Jersey, and Kentucky rejected the amendment.

The fourteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress; and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868, by the Legislatures of the following States:

Connecticut, June 30, 1866.

New Hampshire, July 7, 1866.

Tennessee, July 19, 1866.

\* New Jersey, September 11, 1866.

† Oregon, September 19, 1866.

Vermont, November 9, 1866.

New York, January 10, 1867.

‡ Ohio, January 11, 1867.

Illinois, January 15, 1867.

West Virginia, January 16, 1867.

Kansas, January 18, 1867.

Maine, January 19, 1867.

Nevada, January 22, 1867.

Missouri, January 26, 1867.

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\* New Jersey withdrew her consent to the ratification April —, 1868.

† Oregon withdrew her consent to the ratification October 15, 1868.

‡ Ohio withdrew her consent to the ratification January —, 1868.

Indiana, January 29, 1867.

Minnesota, February 1, 1867.

Rhode Island, February 7, 1867.

Wisconsin, February 13, 1867.

Pennsylvania, February 13, 1867.

• Michigan, February 15, 1867.

Massachusetts, March 20, 1867.

Nebraska, June 15, 1867.

• Iowa, April 3, 1868.

Arkansas, April 6, 1868.

Florida, June 9, 1868.

\*North Carolina, July 4, 1868.

Louisiana, July 9, 1868.

• \*South Carolina, July 9, 1868.

Alabama, July 13, 1868.

\*Georgia, July 21, 1868.

\*The State of Virginia ratified this amendment on the 8th of October, 1869, subsequent to the date of the proclamation of the Secretary of State.

The States of Delaware, Maryland, Kentucky, and Texas rejected the amendment.

(The fifteenth article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress; and was ratified, according to a proclamation of the Secretary of State dated March 30, 1870, by the Legislatures of the following States :

Nevada, March 1, 1869.

West Virginia, March 3, 1869.

North Carolina, March 5, 1869.

Louisiana, March 5, 1869.

Illinois, March 5, 1869.

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\*North Carolina, South Carolina, Georgia, and Virginia had previously rejected the amendment.

Michigan, March 8, 1869.  
Wisconsin, March 9, 1869.  
Massachusetts, March 12, 1869.  
Maine, March 12, 1869.  
South Carolina, March 16, 1869.  
Pennsylvania, March 26, 1869.  
Arkansas, March 30, 1869.  
\*New York, April 14, 1869.  
Indiana, May 14, 1869.  
Connecticut, May 19, 1869.  
Florida, June 15, 1869.  
New Hampshire, July 7, 1869.  
Virginia, October 8, 1869.  
Vermont, October 21, 1869.  
Alabama, November 24, 1869.  
Missouri, January 10, 1870.  
Mississippi, January 17, 1870.  
Rhode Island, January 18, 1870.  
Kansas, January 19, 1870.  
† Ohio, January 27, 1870.  
Georgia, February 2, 1870.  
Iowa, February 3, 1870.  
Nebraska, February 17, 1870.  
Texas, February 18, 1870.  
Minnesota, February 19, 1870.

‡ The State of New Jersey ratified this amendment on the 21st of February, 1871, subsequent to the date of the proclamation of the Secretary of State.

The States of California, Delaware, Kentucky, Maryland, Oregon, and Tennessee rejected this amendment.

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\* New York withdrew her consent to the ratification January 5, 1870.

† Ohio had previously rejected the amendment May 4, 1869.

‡ New Jersey had previously rejected the amendment.





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TO THE  
CONSTITUTION OF THE UNITED STATES  
AND THE  
AMENDMENTS THERETO.

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<i>Tonnage</i> without the consent of Congress. No State shall lay any duty of .....	1	10	3	42
<i>Tranquillity</i> , provide for the common defense, &c. To insure domestic [Preamble] .....	-	-	-	35
<i>Treason</i> shall consist only in levying war against the United States, or in adhering to their enemies, giving them aid and comfort.....	3	3	1	46
No person shall, unless on the testimony of two witnesses to the same overt act, or on confession in open court, be convicted of.....	3	3	1	46
Congress shall have power to declare the punishment of..	3	3	2	46
Shall not work corruption of blood. Attainder of.....	3	3	2	46
Shall not work forfeiture, except during the life of the person attainted. Attainder of.....	3	3	2	46
<i>Treason, bribery, or other high crimes and misdemeanors.</i> The President, Vice-President, and all civil officers shall be removed from office on impeachment for and conviction of .....	2	4	1	45
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	Art.	Sec.	Cl.	Page.
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No money shall be drawn from the .....	1	9	7	41
<i>Treaties</i> . The President shall have power, with the advice and consent of the Senate, provided two-thirds of the Senators present concur, to make .....	2	2	2	44
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They shall be the supreme law of the land, and the judges in every State shall be bound thereby.....	6	-	2	48
<i>Treaty</i> , alliance, or confederation. No State shall enter into any .....	1	10	1	41
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But when not committed within a State, the trial shall be at such a place as Congress may by law have directed..	3	2	3	46
In all criminal prosecutions the accused shall have a speedy and public. [Amendments].....	6	-	-	51
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<i>Trust or profit</i> under the United States, shall be an elector for President and Vice-President. No Senator, Representative, or person holding any office of .....	2	1	2	42
<i>Two-thirds</i> of the members present. No person shall be convicted on an impeachment without the concurrence of .....	1	3	6	37
<i>Two-thirds</i> , may expel a member. Each House, with the concurrence of .....	1	5	2	38
<i>Two-thirds</i> . A bill returned by the President with his objections, may be repassed by each House by a vote of ....	1	7	2	39
<i>Two-thirds</i> of the Senators present concur. The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided.....	2	2	2	44

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<i>Two-thirds</i> , may remove the disabilities imposed by the third section of the fourteenth amendment. Congress, by a vote of [Amendments] .....	14	3	-	54
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U.

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	Art.	Sec.	Cl.	Page.
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POWERS AND DUTIES  
OF THE  
CHAIR TO PRESERVE ORDER.

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REMARKS  
OF  
MILLARD FILLMORE,  
*Vice-President of the United States, and President of the Senate,*  
IN RELATION TO  
HIS POWERS AND DUTIES TO PRESERVE ORDER.

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[Delivered in the Senate April 3, 1850, and ordered, unanimously, on the motion of Mr. King, of Alabama, to be entered on the journal.]

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The Vice-President asked the indulgence of the Senate, before proceeding to the orders of the day, to submit the following remarks in relation to his own powers and duty to preserve order :

On assuming the responsible duties as Presiding Officer of this body, I trusted that no occasion would arise when it would become necessary for the Chair to interpose to preserve order in debate. I could not, however, disguise the fact that by possibility such a necessity might arise. I therefore inquired of some of the Senators to know what had been the usage on the subject, and was informed that the general practice had been, since Mr. Calhoun acted as Vice-President, not to interfere unless a question of order was made by some Senator.

I was informed that that distinguished and now lamented person had declined to exercise the power of calling to order for words spoken in debate, on the ground that he had no authority to do so. Some thought the rule had been since changed, and others not ; but there still seemed to be a difference of opinion as to the power. Under these circumstances, though my opinion was strongly in favor of

the power—with or without a rule to authorize it—I thought it most prudent not hastily to assume the exercise of it, but to wait until the course of events should show that it was necessary. It appears to me that that time has now arrived, and that the Senate should know my opinion on this subject, and the powers which, after mature reflection, I think are vested in the Chair, and the corresponding duties which they impose. If I am wrong in the conclusions at which I have arrived, I desire the advice of the Senate to correct me. I therefore think it better to state them now, when there is an opportunity for a cool and dispassionate examination, rather than wait until they are called into action by some scene of excitement, which may be unfavorable to dispassionate deliberation and advice; for while I would shrink from no responsibility which the office with which I am honored imposes upon me, I would most scrupulously avoid the assumption of any power not conferred by the Constitution and rules of this body.

The question then presents itself, “Has the Vice-President, as Presiding Officer of this body, the power to call a Senator to order for words spoken in debate?”

The sixth rule of the Senate is in the following words:

When a member shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

It will be seen that this rule does not expressly confer the power of calling to order either upon the President or a Senator, but impliedly admits that power in each, and declares the consequences of such a call.

The constitutional provisions bearing upon this subject are very brief. The first is:

The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The next is:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The first clause which I have quoted confers no express powers, yet the general powers and duties of a presiding officer in a parlia-

mentary body were well understood by the framers of the Constitution; and it can hardly be doubted that they intended to confer upon the Vice-President those powers, and require of him the performance of those duties. But the power expressly conferred to make rules to regulate its proceedings clearly conferred upon the Senate authority to make rules regulating the conduct of all its members, including its Presiding Officer. What, then, are we to understand from this rule?

I have availed myself of the leisure afforded by the last recess to look into the history of this rule, that I might, if possible, gather from it the *intent* of the Senate in adopting it. I find that one of the first acts of this body in 1789 was to appoint a committee to "prepare a system of rules for conducting business in the Senate."

That committee reported a number of rules, which were adopted, and among the rest the two following:

16th. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.

17th. If the member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

These rules remained the same until 1828; but in 1826, Mr. Calhoun, then Vice-President, declared that, in his opinion, he had no authority to call a Senator to order for words spoken in debate. In 1828 the rules were referred to a committee for revision, and were reported without any amendment to these rules; but when they came up for consideration in the Senate they were amended so as to read as they now do,\* namely:

6th. When a member shall be called to order by the President or a Senator, he shall sit down; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

7th. If the member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better able to judge of the matter.

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\* The sixth rule has been since so modified as not only to authorize, but to make it the duty of, the Presiding Officer to call to order for any transgression, "in speaking or otherwise," of the rules of the Senate.

It will be seen by comparison, that the proposed rule expressly recognized the authority in the President to call to order, and gave an appeal from his decision, which the former rules did not. It also makes a distinction between a call to order by the President and by a Senator, for words spoken, by requiring, in the latter case, that the objectionable words should be reduced to writing, but not in the former. On this amendment a long and interesting debate sprung up, which may be found in Gales & Seaton's Register of Debates, vol. 4, part 1, pages 278 to 341; and in this debate, though Senators differed widely as to the power of the President to call to order without the amendment, and as to the policy of adopting it, yet all seemed to concede that, if adopted, he would have such power, and the amendment was finally agreed to by a vote of more than two to one; and thereupon, it is reported that Mr. Calhoun,

The Vice-President, then arose and said that he took this opportunity to express his entire satisfaction with that portion of the amendment giving to Senators the right to appeal from the decision of the Chair, as it was not only according to strict principle, but would relieve the Chair from a most delicate duty. *As to the power conferred upon the Chair*, it was not for him to speak; but he assured the Senate that he should always endeavor to exercise it with strict impartiality.

It appears to me, then, with all due respect to the opinions of others, that this rule recognized the power to call to order in the Vice-President, and by implication, at least, conferred that power upon him.

The next question is, Does the possession of the power impose any duty to exercise it? The power, it will be seen, is conferred equally upon the Chair and every member of the Senate, and in precisely the same language. Is the duty, then, more imperative upon the President than upon any and every member of the Senate to perform the unpleasant but necessary task of exercising it? There is a marked distinction between this rule and the corresponding rule of the House of Representatives. By the twenty-second rule of that body, a member *may* call to order, but it is made the imperative duty of the Speaker to do so. The words are:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker *shall*, or any member *may*, call to order, &c.

It is perhaps to be regretted, if the Senate desires that its Presiding

Officer shall perform this delicate and ungracious duty, that its rule had not been equally explicit with that of the House. The reason why Senators so seldom interfere by calling each other to order is, doubtless, because they fear that their motives may be misunderstood. They do not like to appear as volunteers in the discharge of such an invidious duty. The same feelings must, to some extent, operate upon the Chair, unless his duty be palpable. But upon mature reflection I have come to the conclusion, though the authority be the same, yet that the duty may be more imperative upon the Chair than upon a Senator, and that if the painful necessity shall hereafter arise, I shall feel bound to discharge my duty accordingly. I shall endeavor to do it with the utmost impartiality and respect. I know how difficult it is to determine what is and what is not in order—to restrain improper language, and yet not abridge the freedom of debate. But all must see how important it is that the first departure from the strict rule of parliamentary decorum should be checked, as a slight attack, or even insinuation, of a personal character, often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression.

There is, therefore, no point so proper to interpose for the preservation of order as to check the first violation of it. If in my anxiety to do this I should sometimes make a mistake, I am happy to know that the Senate has the remedy in its own hands, and that by an appeal my error may be corrected without injury to any one. Or if I have wholly mistaken my duty in this delicate matter, the action of the Senate will soon convince me of that fact, and in that event I shall cheerfully leave it to the disposition of the Senate. But I have an undoubting confidence that, while I am right, I shall be fully sustained.

I trust I shall be pardoned for making one or two suggestions on some points of minor importance. This body has been so long and so justly distinguished for its dignity and decorum, that I cannot but apprehend that some neglect on my part renders these remarks necessary. We all know that many little irregularities may be tolerated in a small body, that would cause much disorder in a larger one. The Senate has increased from twenty-six to sixty members. The natural tendency of the increase of members is to relax the



discipline, so that when the strict observance of rules is most essential to the dignity and comfort of the body, it is the most difficult to enforce it.

The second rule is a very salutary one, but perhaps too stringent to be always strictly observed in practice. It reads as follows :

No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

Mr. Jefferson, in his Manual, p. 140, which seems to be a code of common law for the regulation of all parliamentary bodies in this country, says that no one is to disturb another in his speech, &c., *nor to pass between the Speaker and the speaking member.* These are comparatively trifling matters, and yet the rules and law of the Senate would seem to require that its Presiding Officer should see them enforced. I trust, however, that it is only necessary to call attention to them to insure their observance by every Senator.

But a practice seems to have grown up of interrupting a Senator when speaking, by addressing him directly, instead of addressing the Chair, as required by the rule.

The Manual declares that it is a breach of order for one member to interrupt another while speaking, unless by calling him to order if he departs from it. It seems to me that the case should be a very urgent one, indeed, that can justify one member in interrupting another while speaking, and that all would find it to their advantage if this rule were more strictly enforced than it has been, and that in all cases the Senator rising to explain should address the Chair, as required by the rule.

As Presiding Officer of the Senate, I feel that my duty consists in executing its will, as declared by its rules and by its practice. If those rules are too strict, it would be better to modify than violate them. But we have a common interest and feel a common pride in the order and dignity of this body, and I therefore feel that I can appeal with confidence to every Senator to aid me in enforcing these salutary regulations.

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STANDING RULES  
OF THE  
SENATE OF THE UNITED STATES,  
[ ADOPTED JANUARY 17, 1877; ]  
ALSO,  
STANDING ORDERS NOT EMBRACED IN THE RULES,  
AND THE  
RULES OF PROCEDURE AND PRACTICE OF THE SENATE WHEN SITTING  
FOR THE TRIAL OF IMPEACHMENTS.

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STANDING RULES  
FOR  
CONDUCTING BUSINESS  
IN THE  
SENATE OF THE UNITED STATES.

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QUORUM—READING THE JOURNAL.

**1.** The Presiding Officer having taken the chair, and a quorum (which shall consist of a majority of the Senators duly chosen and sworn) being present, the Journal of the preceding day shall then be read, and any mistake made in the entries may be corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of by the Senate.

QUORUM—WHEN NOT PRESENT.

**2.** If, either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

QUORUM—ABSENT SENATORS SENT FOR.

**3.** No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be

ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

PRESIDENT PRO TEMPORE TO BE CHOSEN.

4. In the absence of the Vice-President, the Senate shall choose a President pro tempore, and the Presiding Officer shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

JOURNAL—MAKING UP.

5. The proceedings of the Senate shall, briefly and accurately, be stated on the Journal. Messages of the President, in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

JOURNALS—SEPARATE, TO BE KEPT.

6. The legislative proceedings; the executive proceedings; the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, of the Senate, shall each be recorded in a separate book.

PRESENTATION OF CREDENTIALS.

7. The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of by the Senate.

ORDER OF BUSINESS—MORNING HOUR.

**8.** The first hour of daily sessions shall be designated as the morning hour, during which the order of business shall be as follows:

*First.* After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate; and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of.

*Second.* The Presiding Officer shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of the standing and select committees.

The introduction of bills and joint resolutions.

Concurrent and other resolutions.

Until the business of the morning hour shall have been concluded and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Chair, unless by unanimous consent; and if such consent be given, the motion shall not be open to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up; nor shall the consideration of any subject taken up during the morning hour, except a motion to amend the Journal or a motion pertaining to the credentials of a Senator-elect or his admission to his seat, be extended, unless by unanimous consent, beyond the expiration of the morning hour.

If any portion of the morning hour shall remain after the call for resolutions, the Presiding Officer shall lay before the Senate, in their order, resolutions and concurrent resolutions introduced on any prior day, and the same may be proceeded with, but not beyond the expiration of the morning hour, unless by the unanimous consent of the Senate.

## ORDER OF BUSINESS—UNFINISHED BUSINESS.

**9.** Immediately upon the expiration of the morning hour, the Presiding Officer shall lay before the Senate the unfinished business at its last adjournment, which shall take precedence of the Special Orders, and shall be proceeded with until disposed of by the Senate.

## ORDER OF BUSINESS—SPECIAL ORDERS.

**10.** Any subject or matter may, by a vote of two-thirds of the Senators present, be made a special order; and when the hour fixed for the consideration of a special order shall arrive, it shall be the duty of the Presiding Officer to lay such special order before the Senate, unless there be unfinished business of the preceding day, in which case the unfinished business shall have precedence.

## ORDER OF BUSINESS—PRECEDENCE IN SPECIAL ORDERS.

**11.** When two or more subjects shall have been made special orders for the same day and hour, they shall have precedence according to the order of time at which they severally were assigned; which order shall not be changed, unless by direction of the Senate.

## ORDER OF BUSINESS—SPECIAL ORDER OF THE DAY.

**12.** Every special order shall, unless superseded by the unfinished business, be called up on the day and at the hour to which it was assigned; and, if not finally disposed of on that day, it shall then take its place upon the Calendar of Special Orders in the order of time at which it was made a special order, unless it shall become by adjournment the unfinished business.

## ORDER OF BUSINESS—CALENDAR OF GENERAL ORDERS.

**13.** At the expiration of the morning hour, if there shall be neither unfinished business nor special order, the Senate shall proceed with the Calendar of General Orders, unless it shall otherwise determine; and the subjects upon the Calendar of General Orders shall be taken up in the order in which they stand, and, if not finally disposed of, shall retain their respective positions on said Calendar until such final

disposition. And in all cases where the Senate shall take up the Calendar of General Orders, and shall not have gone through therewith, when the same shall be resumed, it shall be at the point which was reached when last under consideration.

PETITIONS.

**14.** Before any petition or memorial shall be received or read at the table, it shall be signed by the petitioner or memorialist, and a brief statement of its contents shall be made by the Senator or Presiding Officer presenting it. But no petition or memorial or other paper signed by citizens or subjects of a foreign power, unless the same be transmitted to the Senate by the President, shall be received.

Every petition or memorial shall be referred, of course, without putting the question, unless objection be made by a Senator; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions; but a motion to refer to a standing committee shall take precedence of a motion to refer to a select committee.

READING PAPERS.

**15.** When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

VOTING—CALLING YEAS AND NAYS.

**16.** When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

VOTING—ASSIGNING REASONS FOR NOT VOTING.

**17.** When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the Presiding Officer shall thereupon sub-



mit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

VOTING—AFTER DECISION ANNOUNCED.

**18.** When the yeas and nays shall be taken upon any question, no Senator shall, under any circumstances whatever, be permitted to vote after the decision shall have been announced from the Chair; but a Senator may, for special reasons assigned by him, with the unanimous consent of the Senate, change or withdraw his vote after such announcement. No motion to suspend this rule shall be in order.

VOTING—VICE-PRESIDENT MAY GIVE CASTING VOTE.

**19.** When the Senate shall be equally divided, the Vice-President may, by his vote, determine the question.

VOTING—RECONSIDERATION.

**20.** When a question has once been decided by a vote of the Senate, whether that vote be determined by a majority or by two-thirds of the Senate, any Senator voting on that side which prevailed may enter a motion or move for a reconsideration thereof, at any time on the same day on which the vote was taken, or on either of the next two days of actual session thereafter; and all motions to reconsider shall be decided by a majority of the Senate.

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider such vote shall be accompanied by a motion to request the House to return the same to the Senate; which last motion shall be acted upon immediately, and determined without debate, and, when determined in the negative, shall be held to be a final disposition of the motion to reconsider.

VOTING—RECONSIDERATION, HOW LIMITED.

**21.** If the Senate shall refuse to reconsider a vote, or if, upon the reconsideration of a vote, it shall re-affirm its first decision of the question, no further motion to reconsider shall be in order, unless by unanimous consent. And every motion to reconsider a vote taken upon any amendment or other question connected with a subject under consideration shall be decided at once, and a motion to reconsider may be laid on the table without affecting the question in reference to which the same may be made. And if carried, shall be held to be a final disposition of such motion.

BILLS—NOTICE GIVEN FOR LEAVE TO BRING IN.

**22.** One day's notice, at least, shall be given of an intended motion for leave to bring in a bill or joint resolution; but in the introduction of bills or joint resolutions on leave, such notice may be dispensed with, by unanimous consent.

BILLS—THREE READINGS ON THREE DIFFERENT DAYS.

**23.** Every bill and joint resolution shall receive three readings previous to its being passed; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.

BILLS—FIRST AND SECOND READINGS FOR REFERENCE.

**24.** No bill or joint resolution shall be committed or amended until it shall have been read twice; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference; but shall not be considered on that day, as in Committee of the Whole, nor debated, except for such reference, unless by unanimous consent.

BILLS—PLACED ON CALENDAR.

**25.** Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not

objected to, on the same day, and be placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, also be placed on the Calendar.

BILLS—COMMITTEE OF THE WHOLE.

**26.** All bills and joint resolutions which shall have received two readings shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall at all times be in order, before the final passage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate, it shall be as in Committee of the Whole.

AMENDMENTS—GENERAL APPROPRIATION BILLS.

**27.** All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

AMENDMENTS—REFERRED ONE DAY BEFORE PROPOSED.

**28.** All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce; also amendments to bills establishing post-roads, proposing new post-roads, shall, before being offered, be referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS—GENERAL LEGISLATION; RELEVANCY; MAY BE LAID ON THE TABLE.

**29.** No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

AMENDMENTS—PRIVATE CLAIMS.

**30.** No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

AMENDMENTS—DIVISION OF A QUESTION.

**31.** If the question in debate contain several propositions, any Senator may have the same divided, except a motion to strike out

and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

AMENDMENTS—FILLING BLANKS.

**32.** In filling blanks the largest sum and the longest time shall first be put.

RESOLUTIONS—SHALL LIE OVER ONE DAY.

**33.** All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

RESOLUTIONS—TREATED AS BILLS.

**34.** Resolutions to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated in all respects in their introduction and form of proceeding in like manner with bills.

RESOLUTIONS—PROPOSING AMENDMENTS TO THE CONSTITUTION.

**35.** Resolutions proposing amendments to the Constitution shall be treated in all respects, in their introduction and form of proceeding, in like manner with bills; but the concurrence of two-thirds of the Senators present shall not be requisite to decide any question on amendments, nor extending to the merits, being short of the final question on the passage of the resolution, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds; but upon a question of insisting upon or receding from an amendment of the Senate to a resolution of the House of Representatives,

or upon the final question of agreeing to an amendment of the House to a resolution of the Senate, and also upon agreeing to the report of a committee of conference upon any resolution proposing amendments to the Constitution, the vote shall be determined by two-thirds of the Senators present.

DEBATE—SENATORS MAY BE CALLED TO ORDER.

**36.** If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be so called to order he shall sit down, and shall not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall then be in order and be determined without debate.

DEBATE—EXCEPTIONABLE WORDS TAKEN DOWN.

**37.** If a Senator be called to order for words spoken in debate, upon the demand of the Senator so called to order, or of any other Senator, the exceptionable words shall be taken down in writing.

DEBATE—SENATORS NOT TO BE INTERRUPTED IN.

**38.** The Presiding Officer shall name the Senator who is to speak, and in all cases the Senator who shall first rise and address the Chair shall speak first. No Senator shall speak to or interrupt another Senator in debate without his consent; and to obtain such consent he shall first address the Chair.

DEBATE—LIMIT IN.

**39.** Every Senator, when he speaks, shall address the Chair, standing in his place; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

ORDER—QUESTIONS OF.

**40.** A question of order may be raised at any state of the business, except when the Senate is dividing, and, when raised, shall be

decided by the Presiding Officer, without debate, subject to an appeal to the Senate; or he may submit any question of order for the decision of the Senate.

ORDER—APPEALS ON QUESTIONS OF.

**41.** When an appeal is taken from the decision of the Chair, any subsequent questions of order which may arise before that appeal shall be determined, likewise any appeal therefrom, shall be decided without debate. All appeals taken when a proposition not debatable is pending shall also be decided without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Chair.

MOTIONS—SECONDED; WHEN TO BE REDUCED TO WRITING.

**42.** All questions shall be put by the Presiding Officer of the Senate, and before a motion be debated, it shall be seconded; and if desired by the Presiding Officer, or any Senator, it shall also be reduced to writing.

MOTIONS—PRECEDENCE OF.

**43.** When a question is pending, no motion shall be received but—

To adjourn,

To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,

To take a recess,

To proceed to the consideration of executive business,

To lay on the table,

To postpone indefinitely,

To postpone to a day certain,

To commit,

To amend;

which several motions shall have precedence in the order in which they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to executive business, and to lay on the table, shall be decided without debate.

MOTIONS—MAY BE WITHDRAWN OR MODIFIED.

**44.** Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave of the Senate.

PREAMBLES.

**45.** When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution; and then on the preamble, which may be withdrawn by the mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

COMMITTEES—APPOINTMENT OF.

**46.** In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint, severally, the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall appoint the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint.

When the chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

COMMITTEES—STANDING.

**47.** The following standing committees shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Privileges and Elections, to consist of nine Senators.



- A Committee on Foreign Relations, to consist of nine Senators.
- A Committee on Finance, to consist of nine Senators.
- A Committee on Appropriations, to consist of nine Senators.
- A Committee on Commerce, to consist of nine Senators.
- A Committee on Manufactures, to consist of five Senators.
- A Committee on Agriculture, to consist of five Senators.
- A Committee on Military Affairs, to consist of nine Senators.
- A Committee on Naval Affairs, to consist of nine Senators.
- A Committee on the Judiciary, to consist of seven Senators.
- A Committee on Post-Offices and Post-Roads, to consist of nine Senators.
- A Committee on Public Lands, to consist of nine Senators.
- A Committee on Private Land-Claims, to consist of five Senators.
- A Committee on Indian Affairs, to consist of seven Senators.
- A Committee on Pensions, to consist of seven Senators.
- A Committee on Revolutionary Claims, to consist of five Senators.
- A Committee on Claims, to consist of nine Senators.
- A Committee on the District of Columbia, to consist of seven Senators.
- A Committee on Patents, to consist of five Senators.
- A Committee on Public Buildings and Grounds, to consist of five Senators, who shall have power also to act jointly with the same committee of the House of Representatives.
- A Committee on Territories, to consist of seven Senators.
- A Committee on Railroads, to consist of eleven Senators.
- A Committee on Mines and Mining, to consist of seven Senators.
- A Committee on the Revision of the Laws of the United States, to consist of five Senators.
- A Committee on Education and Labor, to consist of nine Senators.
- A Committee on Civil Service and Retrenchment, to consist of seven Senators.
- A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of three Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.

A Committee on Printing, to consist of three Senators, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on the Library, to consist of three Senators, who shall have power also to act jointly with the same committee of the House of Representatives.

A Committee on Rules, to consist of three Senators.

A Committee on Engrossed Bills, to consist of three Senators, who shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.

A Committee on Enrolled Bills, to consist of three Senators, who shall have power also to act jointly with the same committee of the House of Representatives, and who, or some one of whom, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

COMMITTEES—REFERENCE TO.

**48.** When motions are made for the reference of the same subject to a standing committee and to a select committee, the question shall first be put upon referring to a standing committee, and a motion simply to refer shall not be open to amendment, except to add instructions.

COMMITTEES—OF CONFERENCE, REPORTS OF.

**49.** The presentation of reports of Committees of Conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

COMMITTEES—MOTIONS TO DISCHARGE AND REPORTS OF, TO LIE ONE DAY FOR CONSIDERATION.

**50.** All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

MESSAGES—FROM THE PRESIDENT AND FROM THE HOUSE OF REPRESENTATIVES.

**51.** Messages from the President of the United States or from the House of Representatives may be received at any state of business, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

MESSAGES—TO THE HOUSE OF REPRESENTATIVES AND TO THE PRESIDENT.

**52.** Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and he shall likewise certify and deliver to the President of the United States all resolutions and other communications which the Senate shall direct to be laid before him.

PRINTING—OF PAPERS.

**53.** Every motion to print documents, reports, or other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

PRINTING—~~ADDITIONAL~~ NUMBERS.

**54.** Motions to print additional numbers shall also be referred to the Committee on Printing; and, when the committee shall report in favor of printing additional numbers, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of five hundred dollars, the concurrence of the House of Representatives shall be necessary for the order to print the same.

PRINTING—OF BILLS, JOINT RESOLUTIONS, AND REPORTS OF COMMITTEES.

**55.** Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

WITHDRAWAL—OF PAPERS.

**56.** No memorial or other paper presented to the Senate, except original treaties finally acted upon by the Senate, shall be withdrawn from its files, except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

WITHDRAWAL—WHEN ADVERSE REPORT MADE, COPIES LEFT WITH SECRETARY OF THE SENATE.

**57.** No memorial or other paper, upon which an adverse report has been made, shall be withdrawn from the files of the Senate, unless copies thereof shall be left in the office of the Secretary.

REFERENCE—OF CLAIMS ADVERSELY REPORTED.

**58.** Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to

be allowed, and the report shall have been agreed to by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a memorial for that purpose, stating that new evidence has been discovered since the report, and setting forth the new evidence in the memorial.

BUSINESS CONTINUED FROM SESSION TO SESSION.

**59.** At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all subjects referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred.

PRIVILEGE OF THE FLOOR.

**60.** No person shall be admitted to the floor of the Senate while in session, except as follows:

The officers of the Senate.

Members of the House of Representatives and their Clerk.

The President of the United States and his Private Secretary.

The heads of Departments.

Ministers of the United States.

Foreign ministers.

Ex-Presidents and Ex-Vice-Presidents of the United States.

Ex-Senators and Senators-elect.

Judges of the Supreme Court.

Governors of States and Territories.

General of the Army.

Admiral of the Navy.

Members of national legislatures of foreign countries.

Private secretaries of Senators, duly appointed in writing, and the Librarian of Congress.

SUSPENSION OF THE RULES.

**61.** No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule, except the eighteenth, may be suspended without notice by the unanimous consent of the Senate; and the rule proposed to be suspended shall precisely and distinctly be stated. The eighteenth rule shall never be suspended under any circumstances whatever.

SENATE WING OF CAPITOL UNDER CONTROL OF PRESIDING OFFICER.

**62.** The Presiding Officer of the Senate shall have the regulation and control of such parts of the Capitol building, and of its corridors and passages, as are, or may be, set apart for the use of the Senate and its officers, unless otherwise ordered by the Senate.

OATHS OF OFFICE.

**63.** The oath or affirmation required by the Constitution and prescribed by the act of June 1, 1789, shall be taken in open Senate by each Senator before entering upon his duties; and he shall also take and subscribe in open Senate the oath or affirmation prescribed by the act of July 2, 1862, or he shall take and subscribe the oath or affirmation prescribed by the act of July 11, 1868, as the case may be, before entering upon his duties. The said oaths shall also be taken and subscribed, in the same manner, by the Secretary of the Senate; but the other officers of the Senate may take and subscribe them in the office of the Secretary.

SESSION WITH CLOSED DOORS.

**64.** On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion

of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

EXECUTIVE SESSION—THE PRESIDENT MEETING THE SENATE IN.

**65.** When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the Chair. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

EXECUTIVE SESSION—OFFICERS ADMITTED IN.

**66.** When acting upon confidential or executive business, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

EXECUTIVE SESSION—INJUNCTION OF SECRECY.

**67.** All confidential communications made by the President of the United States to the Senate, shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy. •

EXECUTIVE SESSION—VIOLATION OF INJUNCTION OF SECRECY.

**68.** Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

EXECUTIVE SESSION—PROCEEDINGS ON TREATIES.

**69.** When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee, or to print it, in confidence, for the use of the Senate.

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles; and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

EXECUTIVE SESSION—WHEN ACTION UPON TREATIES SHALL EXPIRE.

**70.** Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all



proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

EXECUTIVE SESSION—INDIAN TREATIES, IN CLOSED OR OPEN SESSION.

**71.** All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence; in which case they shall be acted upon with closed doors.

EXECUTIVE SESSION—NOMINATIONS, PROCEEDINGS.

**72.** When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered by the Senate, be referred to appropriate committees, and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by the unanimous consent of the Senate.

EXECUTIVE SESSION—NOMINATIONS, INJUNCTION OF SECRECY.

**73.** All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

EXECUTIVE SESSION—NOMINATIONS, RECONSIDERATION.

**74.** When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day

on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

EXECUTIVE SESSION—NOMINATIONS, WHEN RETURNED TO THE PRESIDENT.

**75.** Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

EXECUTIVE SESSION—NOMINATIONS, WHEN MOTIONS TO RECONSIDER SHALL FALL.

**76.** When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

EXECUTIVE SESSION—NOMINATIONS, NOT DETERMINED, HOW DISPOSED OF.

**77.** Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

EXECUTIVE SESSION—THE PRESIDENT FURNISHED WITH COPIES OF  
RECORD.

**78.** The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

THE FOLLOWING ARE THE OATHS REQUIRED TO BE TAKEN BY THE  
63D RULE.

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States.

[June 1, 1789, 1 Stat., 23.

I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

[July 2, 1862, 12 Stat., 502.

In cases where a Senator-elect has been relieved by act of Congress of his political disabilities, the following oath shall be taken and subscribed:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

[Stat., 15, 85.

Oath to be administered by the President of the Senate to the Secretary :

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States.

*And in addition thereto the following :*

I, A B, Secretary of the Senate of the United States of America, do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.

[Stat. 1, 23.]

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STANDING ORDERS NOT EMBRACED IN  
THE RULES

AND

SUCH PARTS OF ACTS AS AFFECT THE  
BUSINESS OF THE SENATE.

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Oath to be administered by the President of the Senate to the Secretary :

I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States.

*And in addition thereto the following :*

I, A B, Secretary of the Senate of the United States of America, do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.

[Stat. 1, 23.]

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STANDING ORDERS NOT EMBRACED IN  
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STANDING ORDERS NOT EMBRACED IN THE RULES  
AND SUCH PARTS OF ACTS AS AFFECT THE BUSI-  
NESS OF THE SENATE.

THE LAST SESSION OF A CONGRESS EXPIRES AT 12 O'CLOCK MERID-  
IAN ON THE 4TH DAY OF MARCH.

On the 3d of March, 1851, on which day the Thirty-first Congress expired, and on which the terms of one-third of the members of the Senate would also expire, the Senate being in session at 12 o'clock midnight, a Senator (Mr. Mason, of Virginia) expressed a doubt, believing that his present term of service expired at that hour, whether he could continue to act as a Senator unless he were qualified under his credentials of re-election, and desired that the oath of office be administered to him by the President of the Senate under those credentials.

The Senate thereupon passed, by a vote of twenty-seven yeas to eleven nays, the following resolution:

*Resolved*, That inasmuch as the second session of the Thirty-first Congress does not expire under the Constitution until 12 o'clock on the 4th of March instant, the honorable James M. Mason, a Senator-elect from the State of Virginia, is not entitled to take the oath of office at this time, to wit, on the 4th of March, at 1 o'clock a. m.

[Sen. Jour., 31st Cong., 2d sess., p. 251.

SENATE CHAMBER.

Frequent applications having been made for the use of the Senate Chamber upon public occasions, the Senate, in granting the last application of this sort, passed the following resolution:

*Resolved*, That hereafter the Senate Chamber shall not be granted for any other purpose than for the use of the Senate.

[Sen. Jour., 39th Cong., 1st sess., p. 410.

## MARBLE ROOM TO BE KEPT AS A RETIRING ROOM FOR SENATORS

*Resolved*, That the ante-room, known as the Marble Room, being designed as a retiring room for Senators, and such persons as they may think proper to invite into the same, the officers of the Senate be directed not to interfere with such use of said room during the open sessions of the Senate.

[Sen. Jour., 1st sess. 39th Cong., p. 1.]

## ASSIGNMENT OF SEATS IN THE REPORTERS' GALLERY.

*Resolved*, That it shall be the duty of the Committee on Rules to make and enforce all rules and regulations respecting the reporters' gallery of the Senate and the occupation thereof; and said committee is directed to take such action from time to time as will confine the occupation of said gallery to *bona-fide* reporters for daily newspapers, assigning not to exceed one seat to each paper; and said committee shall have power to provide a seat or seats on the floor for Associated Press reporters and to regulate the occupation of the same.

[Sen. Jour., 3d sess. 43d Cong., p. 61.]

## ASSIGNMENT OF A PORTION OF THE GALLERY FOR THE USE OF THE DIPLOMATIC CORPS.

*Resolved*, That the President of the Senate be requested to assign a portion of the gallery of the Senate for the use of the foreign ministers, their families and suites; but nothing herein contained shall affect the provisions of the forty-eighth [*now sixtieth*] rule of the Senate.

[Sen. Jour., 2d sess. 36th Cong., p. 66.]

## APPOINTMENT AND REMOVAL OF CLERKS AND OTHER EMPLOYÉS OF THE SENATE.

*Resolved*, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively as heretofore; but when made during the session of the Senate, any such removal to be first approved by the President of the Senate on

reasons to be assigned therefor by the officer making the removal; and when in the recess, such reasons, in writing, to be laid before the President of the Senate on the first day of the succeeding session, and to be approved or disapproved by him.

[Sen. Jour., 1st sess. 33d Cong., p. 514.

CLERKS TO COMMITTEES.

Each of the standing committees of the Senate is allowed a clerk. The clerk to the Committee on Finance, the clerk to the Committee on Appropriations, the clerk to the Committee on Claims, the clerk to the Committee on Commerce, the Clerk to the Committee on the Judiciary, the clerk to the Committee on Private Land-Claims, and the clerk to the Committee on Printing, each, receives an annual salary. The clerks to the other committees of the Senate are paid a per diem compensation, and during the session only.

Select committees are not allowed clerks unless by an order of the Senate; which it is usual to insert in the resolution authorizing the appointment of the committee.

PAGES IN THE SENATE CHAMBER.

There shall be fourteen pages for the Senate Chamber, two riding pages, one page for the Vice-President's Room, and one page for the office of the Secretary of the Senate, making eighteen pages in all, at the rate of two dollars and fifty cents per day while actually employed, to be appointed and removed by the Sergeant-at-Arms of the Senate, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

[Stat. 18, 345.

LIMITATION AS TO LENGTH OF SERVICE AND AGE.

*Resolved*, That it shall be the duty of the Sergeant-at-Arms to classify the pages of the Senate so that at the close of the present and each succeeding Congress one-half the number shall be removed, and in no case shall a page be appointed younger than 12 years, or remain in office after the age of 16 years, or for a longer time than two Congresses, or four years.

[Sen. Jour., 1st sess. 33d Cong., p. 514; 3d sess. 41st Cong., p. 26.

## PAYMENT OF WITNESSES.

*Resolved*, That the rule for paying witnesses summoned to appear before the Senate or any of its committees shall be as follows: For each day a witness shall attend, the sum of three dollars. For each mile he shall travel in coming to, or going from, the place of examination, the sum of five cents each way: *Provided*, That witnesses residing west of the one hundred and tenth meridian, shall be paid the sum of seven cents each way, for each mile they shall travel in coming to, or going from, the place of examination, when the place of examination shall be east of the Mississippi River; but nothing shall be paid for traveling when the witness has been summoned at the place of examination.

[Sen. Jour., 2d sess. 44th Cong., p. 51.

REGENTS OF THE SMITHSONIAN INSTITUTION TO BE APPOINTED BY  
THE PRESIDENT OF THE SENATE.

By the act to establish the Smithsonian Institution, the Board of Regents is composed of the Vice-President of the United States, the Chief-Justice of the United States, and the mayor of the city of Washington, for the time being; three members of the Senate, three members of the House of Representatives, and six other persons.

The members of the Senate shall be appointed by the President of the Senate, and the members of the House of Representatives by the Speaker; the six other persons shall be appointed by joint resolution. The members of the Senate shall serve during the terms for which they are chosen as Senators; the members of the House shall be appointed biennially on every alternate fourth Wednesday of December.

[Stat. 9, 103.

*Resolved*, That, in the opinion of the Senate, when vacancies occur in the Board of Regents of the Smithsonian Institution, by the expiration of the term of any Senator, the power to fill such vacancy is, by law, vested in the President of the Senate.

[Sen. Jour., 2d sess. 30th Cong., 357-359.

**VISITORS TO WEST POINT TO BE APPOINTED BY THE PRESIDENT  
OF THE SENATE.**

In addition to the other members of the Board of Visitors to be appointed by the President, according to existing law, to attend the annual examination of cadets at the United States Military Academy, there shall be on every such board two Senators, to be designated by the Vice-President, or the President of the Senate *pro tempore*, and three members of the House of Representatives, to be designated by the Speaker of the House of Representatives; such designations respectively to be made at the session of Congress next preceding the time of such examinations; and the Senators and members so appointed shall make full report of their action as such visitors, with their views and recommendations in regard to the said Military Academy, within twenty days after the meeting of Congress, at the session next succeeding the time of their appointment.

[Stat. 16, 67.]

**DIRECTORS OF THE COLUMBIA INSTITUTION FOR THE DEAF AND  
DUMB TO BE APPOINTED BY THE PRESIDENT OF THE SENATE.**

In addition to the directors provided for by law, there shall be three other directors appointed, as follows: One Senator, by the President of the Senate, and two Representatives, by the Speaker of the House, who shall hold their offices for the term of a single Congress, and be eligible to re-appointment.

[Stat. 15, 233.]

**DIRECTORS OF THE COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN  
ASYLUM TO BE APPOINTED BY THE PRESIDENT OF THE SENATE.**

In addition to the directors whose appointments are provided for by law, there shall be three other directors appointed, in the following manner: One Senator, by the President of the Senate, and two Representatives, by the Speaker of the House, who shall hold their offices for a single Congress and be eligible to re-appointment.

[Stat. 17, 360.]

TRUSTEES OF THE REFORM-SCHOOL OF THE DISTRICT OF COLUMBIA  
TO BE APPOINTED BY THE PRESIDENT OF THE SENATE.

Two consulting trustees shall be appointed, namely: One Senator of the United States, by the Presiding Officer of the Senate, for the term of four years, and one member of the House of Representatives, by the Speaker thereof, for the term of two years.

[Stat 19, May 3, 1876, p. —.

OPERATOR OF TELEGRAPH, SENATE WING, TO BE APPOINTED BY THE  
PRESIDENT OF THE SENATE.

*Ordered,* That the Presiding Officer of the Senate be authorized to appoint the operator for the Senate wing of the Capitol, provided for in the act in relation to lines of telegraph connecting the Capitol with the various Departments of the Government.

[Sen. Jour., 1st sess. 43d Cong., p. 208.

DISTRIBUTION OF DOCUMENTS.

The usual number of documents under the order of Congress was, during the first session of the Forty-fourth Congress, 1,900 for each house; the number of bills and resolutions was 925 for both House and Senate; which have been distributed by the Public Printer in accordance with the following schedule :

Where delivered.	Senate documents and reports.	House documents and reports.	Senate bills and joint resolutions.	House bills and joint resolutions.
Document-room of the House .....	411	396	440	440
Office of the Clerk of the House .....	20	149	20	308
Sergeant-at-Arms of the Senate .....	243	190	244	134
Office of the Secretary of the Senate .....	6	6	13	8
Folding-room of the Senate .....	190	.....	170	.....
State Department .....	25	25	10	10
Secretary of the Treasury .....	1	1	10	10
Secretary of War .....	1	1	.....	.....
Ordnance-Office .....	1	1	.....	1
Public Printer .....	4	4	4	4
File-copies .....	10	10	10	9
Reserved for binding .....	988	1,117	.....	.....
Total number printed .....	1,900	1,900	924	924

The reserved documents are bound in volumes of appropriate size, (in sheep and calf,) and are distributed as follows:

Where delivered.	Senate documents.	House documents.
Senate document-room .....	112	112
House document-room .....	313	411
Senate folding-room .....	43	.....
Department of State .....	40	40
Department of the Interior .....	420	470
Library of Congress .....	52	52
Library of the House of Representatives .....	7	30
Library of the Court of Claims .....	.....	2
Congressional Printer .....	1	.....
Total reserve .....	988	1,117

[Rep. Pub. Printer, 2d sess. 44th Cong.]

EXTRA COPIES MAY BE OBTAINED ON PRIVATE ACCOUNT.

If any person desiring extra copies of any document printed at the Government Printing-Office by authority of law, shall, previously to its being put to press, notify the Public Printer of the number of copies wanted, and shall pay to him in advance the estimated cost thereof, and ten per centum thereon, the Public Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

[R. S., s. 3809.]



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Office of the Secretary of the Senate .....	6	6	15	8
Folding-room of the Senate .....	190	.....	170	.....
State Department .....	25	25	10	10
Secretary of the Treasury .....	1	1	10	10
Secretary of War .....	1	1	.....	.....
Ordnance-Office .....	1	1	1	1
Public Printer .....	4	4	4	4
File-copies .....	10	10	10	9
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R U L E S  
O F  
P R O C E D U R E   A N D   P R A C T I C E  
I N   T H E   S E N A T E  
W H E N   S I T T I N G   O N   T H E   T R I A L   O F   I M P E A C H M E N T S.

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I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to such notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against ———— ;" after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

I. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if so ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence, (unless otherwise ordered by the Senate,) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States, or the Vice-President of the United States, upon whom the powers and duties of the office of President shall have devolved, shall be impeached, the Chief Justice of the Supreme Court of the United States shall preside; and in a case requiring the said Chief Justice to preside, notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with a request to attend; and the said Chief Justice shall preside over the Senate during the consideration of said articles, and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to

the ends of justice. And the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may at his option, in the first instance, submit any such question to a vote of the members of the Senate. Upon all such questions the vote shall be without a division, unless the yeas and nays be demanded by one-fifth of the members present, when the same shall be taken.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused, or if that cannot conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the accused to appear shall be given in such

other manner, by publication or otherwise, as shall be deemed just ; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At twelve o'clock and thirty minutes after noon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, \_\_\_\_\_, do solemnly swear that the return made by me upon the process issued on the \_\_\_\_\_ day of \_\_\_\_\_, by the Senate of the United States, against \_\_\_\_\_, is truly made, and that I have performed such service as therein described: So help me God." Which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

XI. At twelve o'clock and thirty minutes after noon of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of \_\_\_\_\_, in the

Senate Chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

XII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) twelve o'clock m.; and when the hour for such sitting shall arrive, the Presiding Officer of the Senate shall so announce; and thereupon the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment, the Senate shall resume the consideration of its legislative and executive business.

XIII. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XIV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XV. All motions made by the parties or their counsel shall be addressed to the Presiding Officer, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XVI. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

XVII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

XVIII. If a Senator wishes a question to be put to a witness, or to offer a motion or order, (except a motion to adjourn,) it shall be reduced to writing, and put by the Presiding Officer.

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the



Senate shall direct the doors to be closed while deliberating upon its decisions.

XX. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour on each side, unless the Senate shall, by order, extend the time.

XXI. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side, (unless otherwise ordered by the Senate, upon application for that purpose,) and the argument shall be opened and closed on the part of the House of Representatives.

XXII. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

XXIV. Witnesses shall be sworn in the following form, viz: "You, ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and ———, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

*Form of a subpoena to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel.*

To ———, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the ——— day of ———, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ———.

Fail not.

Witness ———, and Presiding Officer of the Senate, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———.

*Form of direction for the service of said subpoena.*

The Senate of the United States to ———, greeting:

You are hereby commanded to serve and return the within subpoena according to law.

Dated at Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———.

—————,  
*Secretary of the Senate.*

*Form of oath to be administered to the members of the Senate sitting in the trial of impeachments.*

'I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ———, now

pending, I will do impartial justice according to the Constitution and laws: So help me God."

*Form of summons to be issued and served upon the person impeached.*

THE UNITED STATES OF AMERICA, ss :

The Senate of the United States to ——— ———, greeting :

Whereas the House of Representatives of the United States of America did, on the ——— day of ———, exhibit to the Senate article ~~S~~ of impeachment against you, the said ——— ———, in the word ~~S~~ following :

[Here insert the articles.]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice ;

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber in the city of Washington, on the ——— day of ———, at twelve o'clock and thirty minutes afternoon, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———.

*Form of precept to be indorsed on said writ of summons.*

THE UNITED STATES OF AMERICA, ss :

The Senate of the United States to ——— ———, greeting :

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or if not, to leave at his usual

place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least — days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ———, and Presiding Officer of the Senate, at the city of Washington, this — day of —, in the year of our Lord —, and of the independence of the United States the —.

All process shall be served by the Sergeant-at-Arms of the Senate, unless otherwise ordered by the court.

XXV. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.



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## JOINT RULES OF THE TWO HOUSES

IN FORCE UNTIL THE PASSAGE BY THE SENATE OF THE  
RESOLUTION OF AUGUST 14, 1876.

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## JOINT RULES.

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The joint rules which heretofore governed in the transaction of business between the two houses, are, including the twenty-second joint rule, which was abrogated by the act of Congress of January 29, 1877, regulating the manner of counting the electoral votes for President and Vice-President; inserted in this compilation for the purpose of information, with the following explanatory remarks:

A question having been raised in the Senate at the first session of the Forty-fourth Congress, whether the joint rules of the two houses did not require for their enforcement the concurrence of both houses in their re-adoption, the Senate, on the 20th of January, 1876, passed and sent to the House of Representatives the following resolution:

*"Resolved by the Senate, (the House of Representatives concurring,)* That the joint rules of the Senate and House of Representatives, in force at the close of the last session of Congress, excepting the twenty-second joint rule, be, and the same are hereby, adopted as the joint rules of the two houses for the present session."

To this resolution the House made no response, but, on the 14th of August, 1876, as had been usual at the close of a session, sent to the Senate for its concurrence, a resolution to suspend the sixteenth and seventeenth joint rules; upon which, the Senate passed and sent to the House the following resolution:

*"Resolved,* That the resolution of the House of Representatives presented this day in the following words: '*Resolved by the House of Representatives, (the Senate concurring,)* That the sixteenth and seventeenth joint rules be suspended for the remainder of the session,'



be respectfully returned to the House of Representatives, with the statement, that, as the House of Representatives has not notified the Senate of the adoption of the joint rules for this present session, as proposed by the resolution of the Senate of the twentieth day of January last, and transmitted to the House on the twenty-second day of the same month, there are no joint rules in force."

With these explanatory remarks the joint rules are here inserted.

JOINT RULES REFERRED TO IN THE PRECEDING REMARKS.

CONFERENCES.

**1.**—In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairmen, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

[17 April, 1789.]

MESSAGE SENT TO THE HOUSE OF REPRESENTATIVES.

**2.**—When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House, by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

MESSAGE HOUSE OF REPRESENTATIVES TO SENATE.

**3.**—The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

BY WHOM MESSAGES MAY BE SENT.

**4.**—Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

ENGROSSED BILLS.

**5.**—While bills are on their passage between the two Houses,

they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

[6 August, 1789]

ENROLLED BILLS.

6.—After the bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

[6 August, 1789.]

EXAMINATION OF ENROLLED BILLS.

7.—When bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

[6 August, 1789—1 Feb., 1827.]

SIGNING OF ENROLLED BILLS.

8.—After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

[6 August, 1789.]

PRESENTATION OF ENROLLED BILLS TO THE PRESIDENT.

9.—After a bill shall have been thus signed in each House, it shall be presented by the said committee to the President of the United States for his approbation, (it being first indorsed on the back of the roll, certifying in which House the same originated; which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the journal of each House. The said committee

shall report the day of presentation to the President; which time shall also be carefully entered on the journal of each House.

[6 August, 1789.

SAME PROCEEDINGS AS ABOVE ON ORDERS, RESOLUTIONS, AND VOTES,  
AS ON BILLS.

**10.**—All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills.

[6 August, 1789.

JOINT ADDRESS TO THE PRESIDENT.

**11.**—When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

[6 August, 1789.

NOTICE OF REJECTED BILL.

**12.**—When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

[10 August, 1790.

REJECTED BILL NOT RENEWED WITHOUT TEN DAYS' NOTICE.

**13.**—When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of ten days and leave of two-thirds of that House in which it shall be renewed.

[20 June, 1790.

PAPERS TO BE SENT WITH BILLS.

**14.**—Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

[20 June, 1790.

ADHERENCE BY EACH HOUSE DESTROYS BILL.

**15.**—After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

[10 June, 1790.

BILL NOT TO BE SENT TO OTHER HOUSE ON THREE LAST DAYS OF  
SESSION.

**16.**—No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

BILL NOT TO BE SENT TO THE PRESIDENT ON LAST DAY OF SESSION.

**17.**—No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

PRINTING OF BILLS OF EITHER HOUSE BY THE OTHER.

**18.**—When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

[9 Feb., 1829.

SALE OF INTOXICATING LIQUORS FORBIDDEN.

**19.**—No spirituous or malt liquors or wines shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto. And it shall be the duty of the Sergeants-at-Arms of the two Houses, under the supervision of the Presiding Officers thereof, respectively, to enforce the foregoing provisions. And any officer or employé of either House who shall in any manner violate, or connive at the violation of this rule shall be dismissed from office.

[18 Sept., 1837—26 Feb., 1844—30 May, 1844.

## JOINT COMMITTEE ON THE LIBRARY.

**20.**—There shall be a Joint Committee on the Library, to consist of three members on the part of the Senate and three on the part of the House of Representatives, to superintend and direct the expenditure of all moneys appropriated for the Library, and to perform such other duties as are or may be directed by law.

[7 Dec., 1843.]

## BUSINESS TO BE CONTINUED FROM SESSION TO SESSION OF A CONGRESS.

**21.**—After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports which originated in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

[14 August, 1848.]

## OPENING AND COUNTING THE VOTES FOR PRESIDENT AND VICE-PRESIDENT IN JOINT MEETING.

**22.**—The two Houses shall assemble in the hall of the House of Representatives at the hour of 1 o'clock p. m., on the second Wednesday in February next succeeding the meeting of the electors of President and Vice-President of the United States, and the President of the Senate shall be their Presiding Officer; one teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and said tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the said certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote and the names of the persons, if any, elected; which announcement shall be deemed a sufficient declaration of the

persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the journals of the two Houses. If, upon the reading of any such certificate by the tellers, any question shall arise in regard to counting the votes therein certified, the same having been stated by the Presiding Officer, the Senate shall thereupon withdraw, and said question shall be submitted to that body for its decision; and the Speaker of the House of Representatives shall, in like manner, submit said question to the House of Representatives for its decision; and no question shall be decided affirmatively, and no vote objected to shall be counted, except by the concurrent vote of the two Houses; which being obtained, the two Houses shall immediately re-assemble, and the Presiding Officer shall then announce the decision of the question submitted, and upon any such question there shall be no debate in either House; and any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner. At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the "Speaker's chair;" for the Speaker, a chair immediately upon his left; the Senators in the body of the hall, upon the right of the Presiding Officer; for the Representatives, in the body of the hall not occupied by the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon either side of the Speaker's platform. Such joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any of such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess, not beyond the next day at the hour of 1 o'clock p. m.

[Feb. 6, 1865.]



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EFFERSON'S MANUAL

OF

PARLIAMENTARY PRACTICE

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## PREFACE

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The Constitution of the United States, establishing a legislature for the Union under certain forms, authorizes each branch of it "to determine the rules of its own proceedings." The Senate have accordingly formed some rules for its own government; but these going only to few cases, they have referred to the decision of their President, without debate and without appeal, all questions of order arising either under their own rules, or where they have provided none. This places under the discretion of the President a very extensive field of decision, and one which, irregularly exercised, would have a powerful effect on the proceedings and determinations of the House. The President must feel, weightily and seriously, this confidence in his discretion, and the necessity of recurring, for its government, to some known system of rules, that he may neither leave himself free to indulge caprice or passion, nor open to the imputation of them. But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer. To the system of regulations adopted for the government of some one of the parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many, and open to all. Its rules are probably as wisely constructed for governing the debates of a conservative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of their approbation.

Considering, therefore, the law of proceedings in the Senate as composed of the precepts of the Constitution, the regulations of the Senate, and, where these are silent, of the rules of Parliament, I

have here endeavored to collect and digest so much of these as is called for in ordinary practice, collating the Parliamentary with the Senatorial rules, both where they agree and where they vary. I have done this, as well to have them at hand for my own government, as to deposit with the Senate the standard by which I judge, and am willing to be judged. I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is pre-eminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted; no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

I am aware that authorities can often be produced in opposition to the rules which I lay down as Parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing. They have been, however, constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

Yet I am far from the presumption of believing that I may not have mistaken the Parliamentary practice in some cases, and especially in those minor forms, which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe, for obtaining information on that part of the subject, are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity, and impartiality.

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NOTE.—The rules and practices peculiar to the SENATE are printed between brackets, [ ]. Those of PARLIAMENT are not so distinguished.

# MANUAL OF PARLIAMENTARY PRACTICE.


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## IMPORTANCE OF RULES.

### SEC. I.—IMPORTANCE OF ADHERING TO RULES.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities. 2  
*Hats.*, 171, 172.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the



caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body. 2 *Hats.*, 149.

#### SEC. II.—LEGISLATURE.

[All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. *Constitution of the United States, Art. 1, Sec. 1.*]

[The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. *Constitution of the United States, Art. 1, Sec. 6.*]

[For the powers of Congress, see the following Articles and Sections of the Constitution of the United States: I, 4, 7, 8, 9. II, 1, 2. III, 3. IV, 1, 3, 5, and all the amendments.]

#### SEC. III.—PRIVILEGE.

The privileges of members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never-yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enabled them to build law on that example. We can only, therefore, state the points of progression at which they now are. It is now acknowledged, 1st. That they are at all times exempted from question elsewhere, for anything said in their own House; that during the time of privilege, 2d. Neither a member himself, his\* wife, nor his servants, (*familiars sui*,) for any matter of their own, may be arrested on mesne process, in any civil suit: 3d. Nor be detained under execution, though levied before time of privilege: 4th. Nor impleaded, cited, or subpœnaed in any court: 5th. Nor summoned as a witness or juror: 6th. Nor may their lands or goods be distrained: 7th. Nor their persons assaulted, or characters traduced. And the period of time covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the Crown, amounts in fact to a perpetual protection against the

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\* Order of the House of Commons, 1663, July 16.

† *Elsynge*, 217; 1 *Hats.*, 21; 1 *Grey's Deb.*, 133.

course of justice. In one instance, indeed, it has been relaxed by the 10 G. 3, c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive, seems to result from their rejecting all definition of them; the doctrine being, that "their dignity and independence are preserved by keeping their privileges indefinite; and that 'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.'" 1 *Blackst.*, 163, 164.

[It was probably from this view of the encroaching character of privilege that the framers of our Constitution, in their care to provide that the laws shall bind equally on all, and especially that those who make them shall not exempt themselves from their operation, have only privileged "Senators and Representatives" themselves from the single act of "arrest in all cases except treason, felony, and breach of the peace, during their attendance at the session of their respective Houses, and in going to and returning from the same, and from being questioned in any other place for any speech or debate in either House." *Const. U. S., Art. 1, Sec. 6.* Under the general authority "to make all laws necessary and proper for carrying into execution the powers given them," *Const. U. S., Art. 2, Sec. 8,* they may provide by law the details which may be necessary for giving full effect to the enjoyment of this privilege. No such law being as yet made, it seems to stand at present on the following ground: 1. The act of arrest is void, *ab initio*.\* 2. The member arrested may be discharged on motion, 1 *Bl.*, 166; 2 *Stra.*, 990; or by habeas corpus under the Federal or State authority, as the case may be; or by a writ of privilege out of the chancery, 2 *Stra.*, 989, in those States which have adopted that part of the laws of England. *Orders of the House of Commons*, 1550, February 20. 3. The arrest being unlawful, is a trespass for which the officer and others concerned are liable to action or indictment in the ordinary courts of justice, as in other cases of unauthorized arrest. 4. The court before which the process is returnable is bound to act as in other cases of unauthorized proceeding, and liable, also, as in other similar cases, to have their proceedings stayed or corrected by the superior courts.]

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\* 2 *Stra.*, 989.



[The time necessary for going to, and returning from, Congress, not being defined, it will, of course, be judged of in every particular case by those who will have to decide the case.] While privilege was understood in England to extend, as it does here, only to exemption from arrest, eundo, morando, et redeundo, the House of Commons themselves decided that "a convenient time was to be understood." (1580,) 1 *Hats.*, 99, 100. Nor is the law so strict in point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs, and to prepare for his journey; and does not even scan his road very nicely, nor forfeit his protection for a little deviation from that which is most direct; some necessity perhaps constraining him to it. 2 *Stra.*, 986, 987.

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person; as a subpœna ad respondendum, or testificandum, or a summons on a jury; and with reason, because a member has superior duties to perform in another place. [When a representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do on his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does on his voluntary absence. The enormous disparity of evil admits no comparison.]

[So far there will probably be no difference of opinion as to the privileges of the two Houses of Congress; but in the following cases it is otherwise. In December, 1795, the House of Representatives committed two persons of the name of Randall and Whitney, for attempting to corrupt the integrity of certain members, which they considered as a contempt and breach of the privileges of the House; and the facts being proved, Whitney was detained in confinement a fortnight, and Randall three weeks, and was reprimanded by the Speaker. In March, 1796, the House of Representatives voted a challenge given to a member of their House to be a breach of the privileges of the House; but satisfactory apologies and acknowledgments being made, no further proceeding was had. The editor of the *Aurora* having, in his paper of February 19, 1800, inserted some paragraphs defamatory of the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of

this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defense ; that all public functionaries are essentially invested with the powers of self-preservation ; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them ; that whenever authorities are given, the means of carrying them into execution are given by necessary implication ; that thus we see the British Parliament exercise the right of punishing contempts ; all the State Legislatures exercise the same power, and every court does the same ; that, if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and, by noise and tumult, render proceeding in business impracticable ; that if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation ; and that we must therefore have a power to punish these disturbers of our peace and proceedings. To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law ; that the State Legislatures have equal authority, because their powers are plenary ; they represent their constituents completely, and possess all their powers, except such as their constitutions have expressly denied them ; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress ; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law ; that Congress have no such natural or necessary power, nor any powers but such as are given them by the Constitution ; that that has given them, directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings ; for these no further law is necessary, the Constitution being the law ; that, moreover, by that article of the Constitution which authorizes them "to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in them," they may provide by law for an undisturbed exercise of their functions, e. g., for the punishment of contempts, of affrays or tumult in their presence, &c. ; but, till the

law be made, it does not exist; and does not exist, from their own neglect; that, in the mean time, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies ad libitum to aid him, 3 *Grey*, 59, 147, 255, is equal to small disturbances; that in requiring a previous law, the Constitution had regard to the inviolability of the citizen, as well as of the member; as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also as, the law being promulgated, the citizen will know how to avoid offense. But if one branch may assume its own privileges without control, if it may do it on the spur of the occasion, conceal the law in its own breast, and, after the fact committed, make its sentence both the law and the judgment on that fact; if the offense is to be kept undefined, and to be declared only *ex re nata*, and according to the passions of the moment, and there be no limitation either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that single case only, and dies with it. When a new and even a similar case arises, the judgment which is to make and at the same time apply the law, is open to question and consideration, as are all new laws. Perhaps Congress, in the mean time, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all, which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case.]

Privilege from arrest takes place by force of the election; and before a return be made a member elected may be named of a committee, and is to every extent a member except that he cannot vote until he is sworn. *Memor.*, 107, 108. *D'Ewes*, 642, col. 2; 643, col. 1. *Pet. Miscel. Parl.*, 119. *Lex. Parl.*, c. 23. 2 *Hats.*, 22, 62.

Every man must, at his peril, take notice who are members of either House returned of record. *Lex. Parl.*, 23; 4 *Inst.*, 24.

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the sergeant. 1 *Grey*, 88, 95.

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House. 3 *Grey*, 140, 222.

For any speech or debate in either House, they shall not be questioned in any other place. *Const. U. S.*, I, 6; *S. P. protest of the Commons to James I.*, 1621; 2 *Rapin*, No. 54, pp. 211, 212. But this is restrained to things done in the House in a parliamentary course. 1 *Rush.*, 663. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty. *Com. p.*

If an offense be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. *Lex. Parl.*, 63.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts, but not of the House itself. 2 *Nelson*, 450; 2 *Grey*, 399. For whatever is spoken in the House is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, &c. *Scob.*, 72; *L. Parl.*, c. 22.

It is a breach of order for the Speaker to refuse to put a question which is in order. 1 *Hats.*, 175-6; 5 *Grey*, 133.

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege; otherwise it would be in the power of other branches of the government, and even of every private man, under pretenses of treason, &c., to take any man from his service in the House, and so, as many, one after another, as would make the House what he pleaseth. *Dec. of the Com. on the King's declaring Sir John Hotham a traitor.* 4 *Rushw.*, 586. So, when a member stood indicted for felony, it was adjudged that he

ought to remain of the House till conviction; for it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. 23 *El.*, 1580; *D'Ewes*, 283, col. 1; *Lex Parl.*, 133.

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House, that they may know the reasons for such a proceeding, and take such steps as they think proper. 2 *Hats.*, 259. Of which see many examples. *Ib.*, 256, 257, 258. But the communication is subsequent to the arrest. 1 *Blackst.*, 167.

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. 2 *Hats.*, 252; 4 *Inst.*, 15; *Seld. Jud.*, 53. Thus the King's taking notice of the bill for suppressing soldiers, depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege; 2 *Nelson*, 743; and in 1783, December 17, it was declared a breach of fundamental privileges, &c., to report any opinion or pretended opinion of the King on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members. 2 *Hats.*, 251, 6.

#### SEC. IV.—ELECTIONS.

[The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. *Const.*, I, 4.]

[Each House shall be the judge of the elections, returns, and qualifications of its own members. *Const.*, I, 5.]

SEC. V.—QUALIFICATIONS.

[The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.]

[Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the end of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies. *Const.*, I, 3.]

[No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen, *Const.*, I, 3.]

[The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. *Const.*, I, 2.]

[No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. *Const.*, I, 2.]

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers; which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner

as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative. *Const.*, I, 2.]

[The provisional apportionments of Representatives made in the Constitution in 1787, and afterwards by Congress, were as follows:

States.	1787.(a)	1790.(b)	1800.(c)	1810.(d)	1820.(e)	1830.(f)
Maine (g).....					7	8
New Hampshire.....	3	4	5	6	6	5
Massachusetts.....	8	14	17	20	13	12
Rhode Island.....	1	2	2	2	2	2
Connecticut.....	5	7	7	7	6	6
Vermont.....		2	4	6	5	5
New York.....	6	10	17	27	34	40
New Jersey.....	4	5	6	6	6	6
Pennsylvania.....	8	13	18	23	26	28
Delaware.....	1	1	1	2	1	1
Maryland.....	6	8	9	9	9	8
Virginia.....	10	19	22	28	22	21
North Carolina.....	5	10	12	13	13	13
South Carolina.....	5	6	8	9	9	9
Georgia.....	3	2	4	6	7	9
Kentucky.....		2	6	10	12	13
Tennessee (h).....			3	6	9	13
Ohio (i).....				6	14	19
Louisiana (j).....					3	3
Indiana (k).....					3	7
Mississippi (l).....					1	2
Illinois (m).....					1	3
Alabama (n).....					3	5
Missouri (o).....						2
Michigan (p).....						..
Arkansas (q).....						..

(a) As per Constitution.

(b) As per act of April 14, 1792, one Representative for 33,000—first census.

(c) As per act of Jan. 14, 1802, one Representative for 33,000—second census.

(d) As per act of Dec. 21, 1811, one Representative for 35,000—third census.

(e) As per act of Mar. 7, 1822, one Representative for 40,000—fourth census.

(f) As per act of May 22, 1832, one Representative for 47,700—fifth census.

(g) Previous to the 3d March, 1820, Maine formed a part of Massachusetts, and was called the *District of Maine*, and its Representatives are numbered with those of Massachusetts. By compact between Maine and Massachusetts, Maine became a separate and independent State, and by act of Congress of 3d March, 1820, was admitted into the Union as such—the admission to take place on the 15th of the same month. On the 7th of April, 1820, Maine was declared entitled to seven Representatives, to be taken from those of Massachusetts.

(h) Admitted under act of Congress of June 1, 1796, with one Representative.

(i) Admitted under act of Congress of April 30, 1802, with one Representative.

(j) Admitted under act of Congress of April 8, 1812, with one Representative.

(k) Admitted under act of Congress of Dec. 11, 1816, with one Representative.

(l) Admitted under act of Congress of Dec. 10, 1817, with one Representative.

(m) Admitted under act of Congress of Dec. 3, 1818, with one Representative.

(n) Admitted under act of Congress of Dec. 14, 1819, with one Representative.

(o) Admitted under act of Congress of Mar. 2, 1821, with one Representative.

(p) Admitted under act of Congress of Jan. 26, 1837, with one Representative.

(q) Admitted under act of Congress of June 15, 1836, with one Representative.

[When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. *Const.*, I, 2.]

[No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office. *Const.*, I, 6.]

SEC. VI.—QUORUM.

[A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide. *Const.*, I, 5.]

In general the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. 2 *Hats.*, 125, 126.

[The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries. *Rules of the Senate.*]

SEC. VII.—CALL OF THE HOUSE.

On a call of the House, each person rises up as he is called, and answereth; the absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent, excuses are to be heard. *Ord. House of Commons*, 92.

They rise that their persons may be recognized; the voice, in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States, the trouble of rising cannot be necessary.



Orders for calls on different days may subsist at the same time. 2  
*Hats.*, 72.

## SEC. VIII.—ABSENCE.

[No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient: and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour is arrived to which the Senate stood adjourned. *Rule 8.*]

## SEC. IX.—SPEAKER.

[The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. *Constitution*, I, 3.]

[The Senate shall choose their officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States. *Id.*]

[The House of Representatives shall choose their Speaker and other officers. *Const.*, I, 2.]

When but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question the members proposing him conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk. 2 *Hats.*, 158. As are also questions of adjournment. 6 *Grey*, 406. Where the House debated and exchanged messages and answers with the King for a week without a Speaker, till they were prorogued. They have done it *de die in diem* for fourteen days. 1 *Chand.*, 331, 335.

[In the Senate, a President pro tempore, in the absence of the Vice-President, is proposed and chosen by ballot. His office is

understood to be determined on the Vice-President's appearing and taking the chair, or at the meeting of the Senate after the first recess.]

Where the Speaker has been ill, other Speakers *pro tempore* have been appointed. Instances of this are 1 *H.*, 4. Sir John Cheyney, and Sir William Sturton, and in 15 *H.*, 6. Sir John Tyrrel, in 1656, January 27; 1658, March 9; 1659, January 13.

Sir Job Charlton ill, Seymour chosen,	} Not merely <i>pro tempore</i> . 1 <i>Chand.</i> , 169, 276, 277.
1673, February 18.	
Seymour being ill, Sir Robert Sawyer chosen, 1678, April 15.	
Sawyer being ill, Seymour chosen.	

Thorpe in execution, a new Speaker chosen, 31 *H.* VI, 3 *Grey*, 11; and March 14, 1694, Sir John Trevor chosen. There have been no later instances. 2 *Hats.*, 161; 4 *Inst.* 8; *L. Parl.*, 263.

A Speaker may be removed at the will of the House, and a Speaker *pro tempore* appointed.\* 2 *Grey*, 186; 5 *Grey*, 134.

#### SEC. X.—ADDRESS.

[The President shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. *Const.*, II, 3.]

A joint address of both Houses of Parliament is read by the Speaker of the House of Lords. It may be attended by both Houses in a body, or by a committee from each House, or by the two Speakers only. An address of the House of Commons only may be presented by the whole House, or by the Speaker, 9 *Grey*, 473; 1 *Chandler*, 298, 301; or by such particular members as are of the privy council. 2 *Hats.*, 278.

#### SEC. XI.—COMMITTEES.

Standing committees, as of Privileges and Elections, &c., are usually appointed at the first meeting, to continue through the session. The

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\* RULE 4. The Vice-President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House. 4 *Inst.*, 11, 12; *Scob.*, 9; 1 *Grey*, 122.

At these committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. *D'Ewes*, 630, col. 1; 4 *Parl. Hist.*, 440; 2 *Hats.*, 77.

Their proceedings are not to be published, as they are of no force till confirmed by the House, *Rushw.*, part 3, vol. 2, 74; 3 *Grey*, 401; *Scob.*, 39. Nor can they receive a petition but through the House. 9 *Grey*, 412.

When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him. 9 *Grey*, 523.

So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House. 2 *Nals.*, 319.

It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following instances: 7 *Grey*, 261, 278, 285, 338; 1 *Chandler*, 357, 462. In the following instances it does not appear whether they did or not: 6 *Grey*, 129; 7 *Grey*, 213, 229, 321.

#### SEC. XII.—COMMITTEE OF THE WHOLE.

The speech, messages, and other matters of great concernment, are usually referred to a Committee of the Whole House, (6 *Grey*, 311,) where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills. *Scob.*, 36, 44. Propositions for any charge on the people are especially to be first made in a Committee of the Whole. 3 *Hats.*, 127. The sense of the whole is better taken in committee, because in all

committees every one speaks as often as he pleases. *Scob.*, 49. They generally acquiesce in the chairman named by the Speaker; but, as well as all other committees, have a right to elect one, some member, by consent, putting the question. *Scob.*, 36; 3 *Grey*, 301. The form of going from the House into committee, is for the Speaker, on motion, to put the question that the House do now resolve itself into a Committee of the Whole to take into consideration such a matter, naming it. If determined in the affirmative, he leaves the chair and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the Clerk's table. *Scob.*, 36. Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair, and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee cannot. 2 *Hats.*, 125, 126.

In a Committee of the Whole, the tellers on a division differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon, the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved, as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the grand committee, which was done. 3 *Grey*, 128.

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House, without returning into committee. 3 *Grey*, 130.

No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having had time to go through the same, have

directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time the House will again resolve itself into a committee. *Scob.*, 38. But if they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of "now, now," whereupon he makes the report; but if it be late, the cry is "to-morrow, to-morrow," or "Monday," &c., or a motion is made to that effect, and a question put that it be received to-morrow, &c. *Scob.*, 38.

In other things the rules of proceeding are to be the same as in the House. *Scob.*, 39.

#### SEC. XIII.—EXAMINATION OF WITNESSES.

Common fame is a good ground for the House to proceed by inquiry, and even to accusation. *Resolution House of Commons*, 1 *Car.* 1, 1625; *Rush, L. Parl.*, 115; 1 *Grey*, 16-22, 92; 8 *Grey*, 21, 23, 27, 45.

Witnesses are not to be produced but where the House has previously instituted an inquiry, 2 *Hats.*, 102, nor then are orders for their attendance given blank. 3 *Grey*, 51.

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or chairman, who repeats the question to the person, or says to him, "You hear the question—answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question be moved or put or debated while they are there. 2 *Hats.*, Sometimes the questions are previously settled in writing before witness enters. *Ib.*, 106, 107; 8 *Grey*, 64. The questions must be entered in the journals. 3 *Grey*, 81. But the testimony given in answer before the House is never written down; but if given before a committee, it must be, for the information of the House, when not present to hear it. 7 *Grey*, 52, 334.

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. 3 *Hats.*, 52.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. *Four. H. of C., Jan. 22, 1744-5.*

Either House may request, but not command, the attendance of a member of the other. They are to make the request by message of the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature, they may order attendance, unless where it be a case of impeachment by the Commons. There, it is to be a request. 3 *Hats.*, 17; 9 *Grey*, 306, 406; 10 *Grey*, 133.

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct. 10 *Grey*, 61.

#### SEC. XIV.—ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up; but it is left to his own discretion, unless the House on a question decide to take up a particular subject. *Hakew.*, 136.

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members from calling up favorite measures, or matters under their special patronage, out of their just turn. It is useful also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others, having priority of right to their attention in the general order of business.

[In Senate, the bills and other papers which are in possession of the House, and in a state to be acted on, are arranged every morning and brought on in the following order:]

[1. Bills ready for a second reading are read, that they may be referred to committees, and so be put under way. But if, on their

being read, no motion is made for commitment, they are then laid on the table in the general file, to be taken up in their just turn.]

[2. After 12 o'clock, bills ready for it are put on their passage.]

[3. Reports in possession of the House, which offer grounds for a bill, are to be taken up, that the bill may be ordered in.]

[4. Bills or other matters before the House, and unfinished on the preceding day, whether taken up in turn or on special order, are entitled to be resumed and passed on through their present stage.]

[5. These matters being dispatched, for preparing and expediting business, the general file of bills and other papers is then taken up, and each article of it is brought on according to its seniority, reckoned by the date of its first introduction to the House. Reports on bills belong to the dates of their bills.]

[The arrangement of the business of the Senate is now as follows:]\*

[1. Motions previously submitted.]

[2. Reports of committees previously made.]

[3. Bills from the House of Representatives, and those introduced on leave, which have been read the first time, are read the second time; and if not referred to a committee, are considered in Committee of the Whole, and proceeded with as in other cases.]

[4. After twelve o'clock, engrossed bills of the Senate, and bills of the House of Representatives, on third reading, are put on their passage.]

[5. If the above are finished before one o'clock, the general file of bills, consisting of those reported from committees on the second reading, and those reported from committees after having been referred, are taken up in the order in which they were reported to the Senate by the respective committees.]

[6. At one o'clock, if no business be pending, or if no motion be made to proceed to other business, the special orders are called, at the head of which stands the unfinished business of the preceding day.]

[In this way we do not waste our time in debating what shall be taken up. We do one thing at a time; follow up a subject while it is fresh, and till it is done with; clear the House of business gradually.]

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\* This arrangement is changed by the 8th rule. See page 133.

tim as it is brought on, and prevent, to a certain degree, its immense accumulation toward the close of the session.]

[Arrangement, however, can only take hold of matters in possession of the House. New matter may be moved at any time when no question is before the House. Such are original motions and reports on bills. Such are bills from the other House, which are received at all times, and receive their first reading as soon as the question then before the House is disposed of; and bills brought in on leave, which are read first whenever presented. So messages from the other House respecting amendments to bills are taken up as soon as the House is clear of a question, unless they require to be printed, for better consideration. Orders of the day may be called for, even when another question is before the House.]

SEC. XV.—ORDER.

[Each House may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member. *Const.*, I, 5.]

In Parliament, "instances make order," per Speaker Onslow. 2 *Hats.*, 141. But what is done only by one Parliament, cannot be called custom of Parliament, by Prynne. 1 *Grey*, 52.

SEC. XVI.—ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. 2 *Hats.*, 193, 194.

Mr. Prynne, having at a Committee of the Whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. 1 *Chand.*, 77.

A bill being missing, the House resolved that a protestation should be made and subscribed by the members "before Almighty God, and this honorable House, that neither myself, nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled," &c. 5 *Grey*, 202.

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. *Town. col.*, 209.



## SEC. XVII.—ORDER IN DEBATE

When the Speaker is seated in his chair, every member is to sit in his place. *Scob.*, 6; *Grey*, 403.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. *Scob.*, 6; *D'Ewes*, 487, col. 1; 2 *Hats.*, 77; 4 *Grey*, 66; 8 *Grey*, 108. But members who are indisposed may be indulged to speak sitting. 2 *Hats.*, 75, 77; 1 *Grey*, 143.

[In Senate, every member, when he speaks, shall address the Chair standing in his place, and, when he has finished, shall sit down. *Rule 3.*]

When a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him. 4 *Grey*, 390; 5 *Grey*, 6, 143.

If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "which member was first up?" 2 *Hats.*, 76; *Scob.*, 7; *D'Ewes*, 434, col. 1, 2.

[In the Senate of the United States, the President's decision is without appeal. Their rule is: *When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first. Rule 38.*]

No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. *Co.*, 12, 115; *Hakew.*, 148; *Scob.*, 58; 2 *Hats.*, 75. Even a change of opinion does not give a right to be heard a second time. *Smyth's Comw. L.* 2, c. 3; *Arcan. Parl.*, 17.

[The corresponding rule of the Senate is in these words: No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate. *Rule 39.*]

But he may be permitted to speak again to clear a matter of fact, 3 *Grey*, 357, 416; or merely to explain himself 2 *Hats.*, 73 in some material part of his speech, *Ib.*, 75; or to the manner or words of the question, keeping himself to that only, and not traveling into the merits of it, *Memorials in Hakew.*, 29; or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. Hakew.*, 30, 31.

But if the Speaker rise to speak, the member standing up ought to sit down, that he may be first heard. *Town.*, col. 205; *Hale Parl.*, 133; *Mem. in Hakew.*, 30, 31. Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. 3 *Grey*, 38.

No one is to speak impertinently or beside the question, superfluous, or tediously. *Scob.*, 31, 33; 2 *Hats.*, 166, 168; *Hale Parl.*, 133.

No person is to use indecent language against the proceedings of the House; no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. 2 *Hats.*, 169, 170; *Rushw.*, p. 3, v. 1, fol. 42. But while a proposition under consideration is still *in fieri*, though it has even been reported by a committee, reflections on it are no reflections on the House. 9 *Grey*, 508.

No person, in speaking, is to mention a member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c., *Mem. in Hakew.*, 3; *Smyth's Comw.*, L. 2, c. 3; nor to digress from the matter to fall upon the person *Scob.*, 31; *Hale Parl.*, 133; 2 *Hats.*, 166 by speaking, reviling, nipping, or unmannerly words against a particular member. *Smyth's Comw.*, L. 2, c. 3. The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress. *Ord. Com.*, 1604, Apr. 19.

[When a member shall be called to order by the President or a Senator, he shall sit down; and every question of order shall be

decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order. *Rule 40.*]

[No member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper while the journals or public papers are being read, or when any member is speaking in any debate. *Rule 38.*]

No one is to disturb another in his speech by hissing, coughing, spitting, 6 *Grey*, 332; *Scob.*, 8; *D'Ewes*, 332, *col.* 1, 640, *col.* 2, speaking or whispering to another, *Scob.*, 6; *D'Ewes*, 487, *col.* 1; nor stand up to interrupt him, *Town.*, *col.* 205; *Mem. in Hakew.*, 31; nor to pass between the Speaker and the speaking member, nor to go across the House, *Scob.*, 6, or to walk up and down it, or to take books or papers from the table, or write there, 2 *Hats.*, 171.

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill-manners without sufficient reason, or inattentive to a member who says anything worth their hearing. 2 *Hats.*, 77, 78.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity; whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offense committed; and the House considers the degree of punishment they will inflict. 2 *Hats.*, 167, 7, 8, 172.

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 *Pet. Misc.*, 82; 3 *Grey*, 128; 4 *Grey*, 328; 5 *Grey*, 382; 6 *Grey*, 254; 10 *Grey*, 8. Whenever warm words or an assault have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, 3 *Grey*, 128, 293; 5 *Grey*, 280; or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, 3 *Grey*, 419; and they are put under restraint if they refuse, or until they do. 9 *Grey*, 234, 312.

Disorderly words are not to be noticed till the member has finished

his speech. 5 *Grey*, 356; 6 *Grey*, 60. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then a part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. 2 *Hats.*, 199; 4 *Grey*, 170; 6 *Grey*, 59. When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day. 2 *Hats.*, 196; *Mem. in Hakew.*, 71; 3 *Grey*, 48; 9 *Grey*, 514.

Disorderly words spoken in a committee must be written down as in the House; but the committee can only report them to the House for animadversion. 6 *Grey*, 46.

[The rule of the Senate says: If the member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better able to judge of the matter. *Rule 37.*]

In Parliament, to speak irreverently or seditiously against the King, is against order. *Smyth's Comw.*, L. 2, c. 3; 2 *Hats.*, 170.

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. 8 *Grey*, 22.

Neither House can exercise any authority over a member or officer

of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. 3 *Hats.*, 51.

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. 2 *Hats.*, 219. The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order or matter arising in the debate, then the charge must be stated, (that is, the question must be moved,) himself heard, and then to withdraw. 2 *Hats.*, 121, 122.

Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to. 2 *Hats.*, 119, 121; 6 *Grey*, 368.

No member is to come into the House with his head covered, nor to remove from one place to another with his hat on, nor is to put on his hat in coming in or removing, until he be set down in his place. *Scob.*, 6.

A question of order may be adjourned to give time to look into precedents. 2 *Hats.*, 118.

In Parliament, all decisions of the Speaker may be controlled by the House. 3 *Grey*, 319.

SEC. XVIII.—ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or Sergeants-at-Arms, assigned for that purpose. *Mod. ten. Parl.*, 23.

[By the rules of the Senate, on motion made and seconded to shut the doors of the Senate on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut. *Rule 64.*]

[No motion shall be deemed in order to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read. *Rule 19.*]

The only case where a member has a right to insist on anything, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any person has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present. 2 *Hats.*, 87, 129. How far an order of the House is binding, see *Hakew.*, 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put, when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full, [*which in Senate is at noon.*]

Orders of the day may be discharged at any time, and a new one made for a different day. 3 *Grey*, 48, 313.

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes comes to a resolution that no new bill be brought in, except it be sent from the other House. 3 *Grey*, 156.

All orders of the House determine with the session; and one taken

under such an order may, after the session is ended, be discharged on a habeas corpus. *Raym.*, 120; *Jacob's L. D. by Ruffhead; Parliament*, 1 *Lev.*, 165, *Pritchard's case*.

[Where the Constitution authorizes each House to determine the rules of its proceedings, it must mean in those cases (legislative, executive, or judiciary) submitted to them by the Constitution, or in something relating to these, and necessary toward their execution. But orders and resolutions are sometimes entered in the journals having no relation to these, such as acceptances of invitations to attend orations, to take part in processions, &c. These must be understood to be merely conventional among those who are willing to participate in the ceremony, and are therefore, perhaps, improperly placed among the records of the House.]

#### SEC. XIX.—PETITION.

A petition prays something. A remonstrance has no prayer. 1 *Grey*, 58.

Petitions must be subscribed by the petitioners, *Scob.*, 87; *L. Parl.*, c. 22; 9 *Grey*, 362, unless they are attending, 1 *Grey*, 401, or unable to sign, and averred by a member, 3 *Grey*, 418. But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on the question (March 14, 1800) received by the Senate. The averment of a member, or of somebody without doors, that they know the handwriting of the petitioners, is necessary, if it be questioned. 6 *Grey*, 36. It must be presented by a member—not by the petitioners, and must be opened by him holding it in his hand. 10 *Grey*, 57.

[Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer. *Rule 14.*]

Regularly a motion for receiving it must be made and seconded, and a question put, whether it shall be received? but a cry from the House of “received,” or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

SEC. XX.—MOTIONS.

When a motion has been made, it is not to be put to the question or debated until it is seconded. *Scob.*, 21.

[The Senate say: No motion shall be debated until the same shall be seconded. *Rule 42.*]

It is then, and not till then, in possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. 2 *Hats.*, 82.

[The rule of the Senate is, when a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read by the President, before the same shall be debated. *Rule 42.*]

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking? It cannot. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another to interrupt him, unless by calling him to order if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the member who has risen may respect, as an expression of impatience of the House against further debate, yet, if he chooses, he has a right to go on.

SEC. XXI.—RESOLUTIONS.

When the House commands, it is by an "order." But fact, principles, and their own opinions and purposes, are expressed in the form of resolutions.

[A resolution for an allowance of money to the clerks being moved, it was objected to as not in order, and so ruled by the Chair; but on appeal to the Senate, (*i. e.*, a call for their sense by the President, on account of doubt in his mind, according to Rule 6,) the decision was



overruled. *Four. Senate, June 1, 1796.* I presume the doubt was, whether an allowance of money could be made otherwise than by bill.]

#### SEC. XXII.—BILLS.

[Every bill shall receive three readings previous to its being passed; and the President shall give notice at each whether it be first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. *Rule 23.*]

#### SEC. XXIII.—BILLS, LEAVE TO BRING IN.

[One day's notice, at least, shall be given of an intended motion for leave to bring in a bill. *Rule 22.*]

When a member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew., 132; Scob., 40.*

It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob., 41; 1 Grey, 82, 84.*

#### SEC. XXIV.—BILLS, FIRST READING.

When a bill is first presented, the Clerk reads it at the table, and hands it to the Speaker, who, rising, states to the House the title of the bill; that this is the first time of reading it; and the question will be, whether it shall be read a second time? then sitting down to give an opening for objections. If none be made, he rises again, and puts the question, whether it shall be read a second time? *Hakew., 137, 141.* A bill cannot be amended on the first reading, *6 Grey, 286;* nor is it usual for it to be opposed then, but it may be done, and rejected. *D'Ewes, 335, col. 1; 3 Hats., 198.*

#### SEC. XXV.—BILLS, SECOND READING.

The second reading must regularly be on another day. *Hakew., 143.* It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill; that this is the second time of reading it; and that the

question will be, whether it shall be committed, or engrossed and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be, whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it. *Hakew.*, 143, 146.

[In the Senate of the United States, the President reports the title of the bill; that this is the second time of reading it; that it is now to be considered as in a Committee of the Whole; and the question will be, whether it shall be read a third time? or that it may be referred to a special committee?]

SEC. XXVI.—BILLS, COMMITMENT

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to Committee of the Whole House, or to a special committee. If the latter, the Speaker proceeds to name the committee. Any member also may name a single person, and the Clerk is to write him down as of the committee. But the House have a controlling power over the names and number, if a question be moved against any one; and may in any case put in and put out whom they please.

Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it, *Hakew.*, 146; *Town.*, col. 208; *D'Ewes*, 634, col. 2; *Scob.*, 47; or, as is said, 5 *Grey*, 145, the child is not to be put to a nurse that cares not for it, 6 *Grey*, 373. It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself. *Scob.*, 46.

[No bill shall be committed or amended until it shall have been twice read; after which it may be referred to a committee. *Rule 24.*]

[In the appointment of the standing committees, the Senate will proceed, by ballot, severally to appoint the chairman of each committee, and then, by one ballot, the other members necessary to

complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature, may, on motion, be referred to such committee.

The Clerk may deliver the bill to any member of the committee, *Town.*, col. 138; but it is usual to deliver it to him who is first named.

In some cases the House has ordered a committee to withdraw immediately into the committee chamber, and act on and bring back the bill, sitting the House, *Scob.*, 48. A committee meet when and where they please, if the House has not ordered time and place for them, 6 *Grey*, 370; but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

A majority of the committee constitutes a quorum for business. *Elsynge's Method of Passing Bills*, 11.

Any member of the House may be present at any select committee, but cannot vote, and must give place to all of the committee, and sit below them. *Elsynge*, 12; *Scob.*, 49.

The committee have full power over the bill or other paper committed to them, except that they cannot change the title or subject. 8 *Grey*, 228.

The paper before a committee, whether select or of the whole, may be a bill, resolutions, draught of an address, &c., and it may either originate with them or be referred to them. In every case the whole paper is read first by the Clerk, and then by the chairman, by paragraphs, *Scob.*, 49, pausing at the end of each paragraph, and putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each separately, as amended or unamended, and no final question on the whole, 3 *Hats.*, 276; but if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an address, or other paper originating with them, they proceed by

paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately; this is reserved to the close, when a question is put on the whole, for agreeing to it as amended or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole: because all parts of the paper, having been adopted by the House, stand, of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

The natural order in considering and amending any paper is, to begin at the beginning, and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. *2 Hats.*, 90. In numerous assemblies this restraint is doubtless important. [But in the Senate of the United States, though in the main we consider and amend the paragraphs in their natural order, yet recurrences are indulged; and they seem, on the whole, in that small body, to produce advantages overweighing their inconveniences.]

To this natural order of beginning at the beginning, there is a single exception found in parliamentary usage. When a bill is taken up in committee, or on its second reading, they postpone the preamble till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill such alterations may therein be made as may also occasion the alteration of the preamble. *Scob.*, 50; *7 Grey*, 431.

On this head the following case occurred in the Senate, March 6, 1800: A resolution which had no preamble having been already amended by the House so that a few words only of the original remained in it, a motion was made to prefix a preamble, which having an aspect very different from the resolution, the mover intimated that he should afterwards propose a correspondent amendment in the body of the resolution. It was objected that a preamble could not be taken up till the body of the resolution is done with; but the preamble was received, because we are in fact through the

body of the resolution; we have amended that as far as amendments have been offered, and, indeed, till little of the original is left. It is the proper time, therefore, to consider a preamble; and whether the one offered be consistent with the resolution is for the House to determine. The mover, indeed, has intimated that he shall offer a subsequent proposition for the body of the resolution; but the House is not in possession of it; it remains in his breast, and may be withheld. The rules of the House can only operate on what is before them. [The practice of the Senate, too, allows recurrences backward and forward for the purposes of amendment, not permitting amendments in a subsequent, to preclude those in a prior part, or *e converso*.]

When the committee is through the whole, a member moves that the committee may rise, and the chairman report the paper to the House, with or without amendments, as the case may be. 2 *Hats.*, 289, 292; *Scob.*, 53; 2 *Hats.*, 290; 8 *Scob.*, 50.

When a vote is once passed in a committee, it cannot be altered but by the House, their votes being binding on themselves. 1607, *June 4*.

The committee may not erase, interline, or blot the bill itself; but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted, *Scob.*, 50, and where, by references to page, line, and word of the bill. *Scob.*, 50.

#### SEC. XXVII.—REPORT OF COMMITTEE.

The chairman of the committee, standing in his place, informs the House that the committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same without any amendment, or with sundry amendments, (as the case may be,) which he is ready to do when the House pleases to receive it. And he or any other may move that it be now received; but the cry of "now, now," from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported

are read by the Clerk without the coherence ; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report. *Scob.*, 52 ; *Hakew.*, 148.

The report being made, the committee is dissolved, and can act no more without a new power. *Scob.*, 51. But it may be revived by a vote, and the same matter recommitted to them. 4 *Grey*, 361.

SEC. XXVIII.—BILL, RECOMMITMENT.

After a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted ; but in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same committee. *Hakew.*, 151. If a report be recommitted before agreed to in the House, what has passed in committee is of no validity ; the whole question is again before the committee, and a new resolution must be again moved, as if nothing had passed. 3 *Hats.*, 131—*note*.

In Senate, January, 1800, the salvage bill was recommitted three times after the commitment.

A particular clause of a bill may be committed without the whole bill, 3 *Hats.*, 131 ; or so much of a paper to one and so much to another committee.

SEC. XXIX.—BILL, REPORTS TAKEN UP.

When the report of a paper originating with a committee is taken up by the House, they proceed exactly as in committee. Here, as in committee, when the paragraphs have, on distinct questions, been agreed to *seriatim*, 5 *Grey*, 366 ; 6 *Grey*, 368 ; 8 *Grey*, 47, 104, 360 ; 1 *Torbuck's Deb.*, 125 ; 3 *Hats.*, 348, no question needs be put on the whole report. 5 *Grey*, 381.

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. *Elsynge's Mem.*, 53. When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill ; as he does also if it has been reported without amendments : putting no

questions but on amendments proposed; and when through the whole, he puts the question whether the bill shall be read a third time?

SEC. XXX.—QUASI-COMMITTEE.

If on motion and question the bill be not committed, or if no proposition for commitment be made, then the proceedings in the Senate of the United States and in Parliament are totally different. The former shall be first stated.

[The 25th rule of the Senate says: "All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered;" (that is to say, unless ordered to be referred to a special committee.) And when the Senate shall consider a treaty, bill, or resolution, as in Committee of the Whole, the Vice-President or President *pro tempore* may call a member to fill the chair during the time the Senate shall remain in Committee of the Whole; and the chairman (so called) shall, during such time, have the powers of a President *pro tempore*.]

[The proceeding of the Senate as in a Committee of the Whole, or in quasi-committee, is precisely as in a real Committee of the Whole, taking no questions but on amendments. When through the whole, they consider the quasi-committee as risen, the House resumed without any motion, question, or resolution to that effect, and the President reports that "the House, acting as in a Committee of the Whole, have had under their consideration the bill entitled, &c., and have made sundry amendments, which he will now report to the House." The bill is then before them, as it would have been if reported from a committee, and questions are regularly to be put again on every amendment; which being gone through, the President pauses to give time to the House to propose amendments to the body of the bill, and, when through, puts the question whether it shall be read a third time?]

[After progress in amending the bill in quasi-committee, a motion may be made to refer it to a special committee. If the motion prevails, it is equivalent in effect to the several votes, that the committee rise, the House resume itself, discharge the Committee of the

Whole, and refer the bill to a special committee. In that case, the amendments already made fall. But if the motion fails, the quasi-committee stands *in statu quo*.]

[How far does this 25th rule subject the House, when in quasi-committee, to the laws which regulate the proceedings of Committees of the Whole?] The particulars in which these differ from proceedings in the House are the following: 1. In a committee every member may speak as often as he pleases. 2. The votes of a committee may be rejected or altered when reported to the House. 3. A committee, even of the whole, cannot refer any matter to another committee. 4. In a committee no previous question can be taken: the only means to avoid an improper discussion is to move that the committee rise; and if it be apprehended that the same discussion will be attempted on returning into committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A committee cannot punish a breach of order in the House or in the gallery. 9 *Grey*, 113. It can only rise and report it to the House, who may proceed to punish. [The first and second of these peculiarities attach to the quasi-committee of the Senate, as every day's practice proves, and it seems to be the only ones to which the 25th rule meant to subject them; for it continues to be a House, and therefore, though it acts in some respects as a committee, in others it preserves its character as a House. Thus (3) it is in the daily habit of referring its business to a special committee. 4. It admits of the previous question. If it did not, it would have no means of preventing an improper discussion: not being able, as a committee is, to avoid it by returning into the House, for the moment it would resume the same subject there, the 25th rule declares it again a quasi-committee. 5. It would doubtless exercise its powers as a House on any breach of order. 6. It takes a question by yea and nay, as the House does. 7. It receives messages from the President and the other House. 8. In the midst of a debate it receives a motion to adjourn, and adjourns as a House, not as a committee.]

SEC. XXXI.—BILL, SECOND READING IN THE HOUSE.

In Parliament, after the bill has been read a second time, if on the motion and question it be not committed, or if no proposition for com-



mitment be made, the Speaker reads it by paragraphs, pausing between each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time? if it came from the other House; or, if originating with themselves, whether it shall be engrossed and read a third time? The Speaker reads sitting, but rises to put questions. The Clerk stands while he reads.

[\* But the Senate of the United States is so much in the habit of making many and material amendments at the third reading, that it has become the practice not to engross a bill till it has passed—an irregular and dangerous practice; because in this way the paper which passes the Senate is not that which goes to the other House, and that which goes to the other House as the act of the Senate, has never been seen in Senate. In reducing numerous, difficult, and illegible amendments into the text, the Secretary may, with the most innocent intentions, commit errors which can never again be corrected.]

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts, because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves and to hear what can be said for it, knowing that after all they will have sufficient opportunities of giving it their veto. Its two last stages, therefore, are reserved for this—that is to say, on the question whether it shall be engrossed and read a third time? and,

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\* The former practice of the Senate referred to in this paragraph has been changed by the following rule :

[The final question upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, “whether it shall be engrossed and read a third time?” and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be again put.—*Rule 26.*]

lastly, whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents, and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass?

When the bill is engrossed, the title is to be indorsed on the back, and not within the bill.—*Hakew.*, 250.

SEC. XXXII.—READING PAPERS.

Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table, read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.—2 *Hats.*, 117, 118.

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.—*Id.*

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time,

and therefore is not refused but where that is intended.—2 *Grey*, 227.

A report of a committee of the Senate on a bill from the House of Representatives being under consideration: on motion that the report of the committee of the House of Representatives on the same bill be read in the Senate, it passed in the negative.—*Feb.* 28, 1793.

Formerly, when papers were referred to a committee, they used to be first read; but of late only the titles, unless a member insists they shall be read, and then nobody can oppose it.—2 *Hats.*, 117.

#### SEC. XXXIII.—PRIVILEGED QUESTIONS.

[\* While a question is before the Senate, no motion shall be received, unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.—*Rule 8.*]

It is no possession of a bill unless it be delivered to the Clerk to read, or the Speaker reads the title.—*Lex. Parl.*, 274; *Elysinge Mem.*, 85; *Ord. House of Commons*, 64.

It is a general rule that the question first moved and seconded shall be first put. *Scob.*, 28, 22; 2 *Hats.*, 81. But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put, and while the House is engaged in voting.

Orders of the day take place of all other questions, except for

\* This rule has been modified so as to specify the questions entitled to preference. The rule is now as follows:

RULE 43. When a question is under debate, no motion shall be received but to adjourn, to adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain; to take a recess, to proceed to the consideration of executive business, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order in which they stand arranged, and the motions relating to adjournment, to proceed to the consideration of executive business, and to lay on the table, shall be decided without debate.

adjournment—that is to say, the question which is the subject of an order is made a privileged one, *pro hac vice*. The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the order of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question “Whether the House will now proceed to the orders of the day?” they must be read and proceeded on in the course in which they stand, 2 *Hats.*, 83; for priority of order gives priority of right, which cannot be taken away but by another special order.

After these there are other privileged questions, which will require considerable explanation.

It is proper that every parliamentary assembly should have certain forms of questions, so adapted as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing for that time the motion and its discussion. 3 *Hats.*, 188, 189.

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. 3 *Hats.*, 183. This quashes the proposition for that session, as an indefinite adjournment is a dissolution, or the continuance of a suit *sine die* is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time, the question or debate is adjourned to such day within the session as will answer the views of the House. 2 *Hats.*, 81. And those who have spoken before may not speak again when the ad-

journd debate is resumed. 2 *Hats.*, 73. Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

5. If the proposition will want more amendment and digestion than the formalities of the House will conveniently admit, they refer it to a committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, they then proceed to consider and amend it themselves.

The Senate, in their practice, vary from this regular gradation of forms. Their practice comparatively with that of Parliament stands thus :

## FOR THE PARLIAMENTARY:

Postponement indefinite,

Adjournment,

Lying on the table,

## THE SENATE USES :

Postponement to a day beyond the session.

Postponement to a day within the session.

{ Postponement indefinite.  
{ Lying on the table.

In their eighth rule, therefore, which declares that while a question is before the Senate no motion shall be received, unless it be for the previous question, or to postpone, commit, or amend the main question, the term postponement must be understood according to their broad use of it, and not in its parliamentary sense. Their rule, then, establishes as privileged questions, the previous question, postponement, commitment, and amendment.

But it may be asked: Have these questions any privilege among themselves? or are they so equal that the common principle of the

"first moved first put" takes place among them? This will need explanation. Their competitions may be as follows :

- |                                   |   |  |
|-----------------------------------|---|--|
| 1. Previous question and postpone | } | In the first, second, and third classes, and the first member of the fourth class, the rule "first moved first put" takes place. |
| commit                            |   |  |
| amend                             |   |  |
| 2. Postpone and previous question | } |  |
| commit                            |   |  |
| amend                             |   |  |
| 3. Commit and previous question   | } |  |
| postpone                          |   |  |
| amend                             |   |  |
| 4. Amend and previous question    | } |  |
| postpone                          |   |  |
| commit                            |   |  |

In the first class, where the previous question is first moved, the effect is peculiar; for it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it; for if the previous question be decided affirmatively, to wit, that the main question shall *now* be put, it would of course be against the decision to postpone or commit; and if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for nor against the previous question will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment, or amendment; but if decided negatively, (that it shall not be postponed,) the main question may then be suppressed by the previous question, or may be committed, or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put; because, in truth, it facilitates and befriends the motion to amend. *Scobell* is express: "On motion to amend a bill, any one may notwithstanding move to commit it and the question for commitment shall be first put." *Scob.*, 46.

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both are moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one, *e. g.*:

Suppose a motion to postpone, commit, or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way—by deciding against the postponement, commitment, or amendment. 2 *Hats.*, 81, 2, 3, 4.

Suppose a motion for the previous question, or commitment or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that when a main question is before the House no motion shall be received but to commit, amend, or pre-question the original question, which is the parliamentary doctrine also. Therefore the motion to postpone the secondary motion for the previous question, or for committing or amending, cannot be received. 2. This is a piling

of questions one on another ; which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment, or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second, and third reasons, before stated, all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer : The previous question cannot be amended. Parliamentary usage, as well as the ninth rule of the Senate, has fixed its form to be, "Shall the main question be now put?"—*i. e.*, at this instant ; and as the present instant is but one, it can admit of no modification. To change it to to-morrow, or any other moment, is without example and without utility. But suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion : that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," &c. In like manner, if an amendment be moved to an amendment, it is admitted ; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

[When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be first put. *Rule 48.*]

[In filling a blank with a sum, the largest sum shall be first put to the question, by the thirteenth rule of the Senate,\*] contrary to the rule of Parliament, which privileges the smallest sum and longest time. 5 *Grey*, 179 ; 2 *Hats.*, 8, 83 ; 3 *Hats.*, 132, 133.] And this is

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[\* In filling up blanks, the largest sum and longest time shall be first put. *Rule 32.*]



considered to be not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a committee, amount of a fine, term of an imprisonment, term of irredeemability of a loan, or the terminus in quem in any other case; then the question must begin a maximo. Or whether the lesser includes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, when an act shall commence, or the terminus a quo in any other case where the question must begin a minimo; the object being not to begin at that extreme which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. 3 *Grey*, 376, 384, 385. "The fair question in this case is not that to which, and more, all will agree, but whether there shall be addition to the question." 1 *Grey*, 365.

Another exception to the rule of priority is when a motion has been made to strike out, or agree to, a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out or agreeing to the whole paragraph.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question must be decided before that question. 2 *Hats.*, 88.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of. 2 *Hats.*, 88.

Reading papers relative to the question before the House. This question must be put before the principal one. 2 *Hats.*, 88.

Leave asked to withdraw a motion. The rule of Parliament being that a motion made and seconded is in the possession of the House, and cannot be withdrawn without leave, the very terms of the rule

imply that leave may be given, and, consequently, may be asked and put to the question.

SEC. XXXIV.—THE PREVIOUS QUESTION.

When any question is before the House, any member may move a previous question, "Whether that question (called the main question) shall now be put?" If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. *Memor. in Hakew.*, 28; 4 *Grey*, 27.

The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put. •

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. 2 *Hats.*, 80. Sir Henry Vane introduced it. 2 *Grey*, 113, 114; 3 *Grey*, 384. When the question was put in this form, "Shall the main question be put?" a determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only; formerly, indeed, only till the present debate was over, 4 *Grey*, 43, but now for that day and no longer. 2 *Grey*, 113, 114.

Before the question "Whether the main question shall now be put?" any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew.*, 28.

The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Whether a main question may be amended after the previous question on it has been moved and seconded? 2 *Hats.*, 88, says, if the previous question has been moved and seconded, and also proposed

from the Chair, (by which he means stated by the Speaker for debate,) it has been doubted whether an amendment can be admitted to the main question. He thinks it may, after the previous question moved and seconded; but not after it has been proposed from the Chair. In this case, he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether; while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies of the main question, by this maneuver to the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support this opinion, too, he makes the deciding circumstance, whether an amendment may or may not be made, to be, that the previous question has been proposed from the Chair. But, as the rule is that the House is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the Chair. It may be said, indeed, that the object of the previous question being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend; and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated, by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit previous amendments, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it *ab inconvenienti*, to wit: Which is most inconvenient, to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put it in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience;

inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question; and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

SEC. XXXV.—AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. *Scob.*, 23.

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves. 2 *Hats.*, 79; 4, 82, 84. A new bill may be ingrafted, by way of amendment, on the words "Be it enacted," &c. 1 *Grey*, 190, 192.

If it be proposed to amend by leaving out certain words, it may be moved, as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. 2 *Hats.*, 80, 9. The parliamentary question is, always, whether the words shall stand part of the bill.

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. If it be received, it cannot be amended afterward, in the same stage, because the House has, on a vote, agreed to it in that form. In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If on the question it be retained, it cannot be amended afterward, because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend by striking out certain words and inserting others, the manner of stating the question is first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. 2 *Huts.*, 80, 7.

A motion is made to amend by striking out certain words and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible, because to strike out and insert A is one proposition. To strike out and insert B is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived; for, as putting the whole motion to the question at once would not have precluded, the putting the half of it cannot do it.\*

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterward be permitted to strike out A and

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\* In the case of a division of the question, and a decision against striking out, I advance doubtingly the opinion here expressed. I find no authority either way, and I know it may be viewed under a different aspect. It may be thought that, having decided separately not to strike out the passage, the same question for striking out cannot be put over again, though with a view to a different insertion. Still I think it more reasonable and convenient to consider the striking out and insertion as forming one proposition, but should readily yield to any evidence that the contrary is the practice in Parliament.

[The practice in the Senate in this respect is now fixed by the 31st rule, as follows :

If the question in debate contains several points, any Senator may have the same divided ; but on a motion to strike out and insert, it shall not be in order to move for a division of the question ; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out ; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.]

insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition; for then it is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion, instead of A and its coherence.

In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February some amendments proposed to the Constitution; the words "until the second Tuesday in February," were struck out by way of amendment. Then it was moved to add, "until the first day of June." Objected that it was not in order, as the question should be first put on the longest time; therefore, after a shorter time decided against, a longer cannot be put to question. It was answered that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out, a motion may be received to insert any other. In fact, it is not until they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer; for till the short time is struck out, you cannot insert a longer; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion had been made to amend by striking out "the second Tuesday in February," and inserting instead thereof "the first of June," it would have been regular, then, to divide the question, by proposing first the question to strike out and then that to insert. Now this is precisely the effect of the present proceeding; only, instead of one motion and two questions, there are two motions and two questions to effect it—the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into

another bill by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands and another for inserting it in the place desired.

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such, and passed. 3 *Hats.*, 83.

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that—the House or committee is only to amend the text.

SEC. XXXVI.—DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. *Mem. in Hakew.*, 29. But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not—where it is complicated—into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is by moving amendments to it; and these must be decided by the House, on a question, unless the House orders it to be divided; as, on the question, December 2, 1640, making void the election of the knights for Worcester, on a motion it was resolved to make two questions of it, to wit, one on each knight. 2 *Hats.*, 85, 86. So, wherever there are several names in a question, they may be divided and put one by one. 9 *Grey*, 444. So, 1729, April 17, on an objection that a question was complicated, it was separated by amendment. 2 *Hats.*, 79.

The soundness of these observations will be evident from the embarrassments produced by the twelfth rule of the Senate, which says, "if the question in debate contains several points, any member may have the same divided."

1798, May 30, the alien bill in quasi-committee. To a section and proviso in the original, had been added two new provisos by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of

the section. But when nothing remains but the last member of the section and the provisos, they cannot be divided so as to put the last member to question by itself; for the provisos might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisos might be left to a second question, after having been decided on once before at the same reading, which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconsistency. A question to be divisible must comprehend points so distinct and entire that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.

May 31.—The same bill being before the Senate. There was a proviso that the bill should not extend—1. To any foreign minister; nor, 2. To any person to whom the President should give a passport; nor, 3. To any alien merchant conforming himself to such regulations as the President shall prescribe; and a division of the question into its simplest elements was called for. It was divided into four parts, the 4th taking in the words “conforming himself,” &c. It was objected that the words “any alien merchant,” could not be separated from their modifying words, “conforming,” &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the House having, on the question, retained the two first divisions, the words “any alien merchant” may be struck out, and their modifying words will then attach themselves to the preceding description of persons, and become a modification of that description.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. See *Execut. Jour.*, June 25, 1795. The same decision by President Adams.



## SEC. XXXVII.—COEXISTING QUESTIONS.

It may be asked whether the House can be in possession of two motions or propositions at the same time? so that, one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question, (*e. g.*, the previous question, postponement, or commitment,) remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being that when a motion has been made and seconded, no other can be received except it be a privileged one.

## SEC. XXXVIII.—EQUIVALENT QUESTIONS.

If, on a question for rejection, a bill be retained, it passes, of course, to its next reading. *Hakew.*, 141; *Scob.*, 42. And a question for a second reading determined negatively, is a rejection without further question. 4 *Grey*, 149. And see *Elsynge's Memor.*, 42, in what cases questions are to be taken for rejection.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. 4 *Grey*, 157. Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of dis-

agreement, or must the question on disagreement be expressly voted? The questions respecting amendments from another House are—1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree. } Either of these concludes the other necessarily, for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed; *e. g.*, if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede. } You may then either insist or adhere.  
4th. To insist. } You may then either recede or adhere.  
5th. To adhere. } You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

#### SEC. XXXIX.—THE QUESTION.

The question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before to the question may rise and speak before the negative be put; because it is no full question till the negative part be put. *Scob.*, 23; 2 *Hats.*, 73.

But in small matters, and which are of course, such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House where no objection is expressed, and does not give them the trouble of putting the question formally. *Scob.*, 22; 2 *Hats.*, 87; 5 *Grey*, 129; 9 *Grey*, 301.

## SEC. XL.—BILLS, THIRD READING.

To prevent bills from being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour, naming one at which the House is commonly full. *Hakew.*, 153.

[The usage of the Senate is, not to put bills on their passage till noon.]

A bill reported and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

At the third reading the Clerk reads the bill and delivers it to the Speaker, who states the title, that it is the third time of reading the bill, and that the question will be whether it shall pass. Formerly the Speaker, or those who prepared a bill, prepared also a breviate or summary statement of its contents, which the Speaker read when he declared the state of the bill, at the several readings. Sometimes, however, he read the bill itself, especially on its passage. *Hakew.*, 136, 137, 153; *Coke*, 22, 115. Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim, only, instead of reading the formal parts, "Be it enacted," &c., he states that "preamble recites so and so—the 1st section enacts that, &c.; the 2d section enacts," &c.

[But in the Senate of the United States, both of these formalities are dispensed with; the breviate presenting but an imperfect view of the bill, and being capable of being made to present a false one; and the full statement being a useless waste of time, immediately after a full reading by the Clerk, and especially as every member has a printed copy in his hand.]

A bill on the third reading is not to be committed for the matter or body thereof, but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. *Hakew.*, 156. Thus, 27 *El.*, 1584, a bill was committed on the third reading, having been formerly committed on the second, but is declared not usual. *D'Ewes*, 337, *col.* 2; 414, *col.* 2.

When an essential provision has been omitted, rather than erase the bill and render it suspicious, they add a clause on a separate paper, engrossed and called a rider, which is read and put to the

question three times. *Elsynge's Memo.*, 59; 6 *Grey*, 335; 1 *Blackst.*, 183. For examples of riders, see 3 *Hats.*, 121, 122, 124, 156. Every one is at liberty to bring in a rider without asking leave. 10 *Grey*, 52.

It is laid down, as a general rule, that amendments proposed at the second reading shall be twice read, and those proposed at the third reading thrice read; as also all amendments from the other House. *Town.*, col. 19, 23, 24, 25, 26, 27, 28.

It is with great and almost invincible reluctance that amendments are admitted at this reading, which occasion erasures or interlineations. Sometimes a proviso has been cut off from a bill; sometimes erased. 9 *Grey*, 513.

This is the proper stage for filling up blanks; for if filled up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading the bill is debated afresh, and for the most part is more spoken to at this time than on any of the former readings. *Hakew.*, 153.

The debate on the question whether it should be read a third time, has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issue; and the question now offered for its passage is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, "Gentlemen, all you who are of opinion that this bill shall pass, say aye;" and after the answer of the ayes, "All those of the contrary opinion, say no." *Hakew.*, 154.

After the bill is passed, there can be no further alteration of it in any point. *Hakew.*, 159.

#### SEC. XLI.—DIVISION OF THE HOUSE.

The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the

judgment of the House. But if he be not himself satisfied which voice is the greater, or if before any other member comes into the House, or before any new motion made, (for it is too late after that any member shall rise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House. *Scob.*, 24; 2 *Hats.*, 140.

When the House of Commons is divided, the one party goes forth, and the other remains in the House. This has made it important which go forth and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule, therefore, is, that those who give their vote for the preservation of the orders of the House shall stay in; and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications. 2 *Hats.*, 134; 1 *Rush.*, p. 3, fol. 92; *Scob.*, 43, 52; *C.*, 12, 116; *D'Ewes*, 505, col. 1; *Mem. in Hakew.*, 25, 29; as will appear at the following statement of who go forth:

Petition that it be received*.....	}	Ayes.
Read.....		
Lie on the table.....	}	Noes.
Rejected after refusal to lie on table.....		
Referred to a committee, or further proceeding..		Ayes.
Bill, that it be brought in.....	}	Ayes.
Read first or second time.....		
Engrossed or read third time.....		
Proceeding on every other stage.....		
Committed.....		
To Committee of the Whole.....		Noes.
To a select committee.....		Ayes.
Report of bill to lie on table.....		Noes.
Be <i>now</i> read.....	}	Ayes.
Be taken into consideration three months hence..		
Amendments to be read a second time.....		Noes.
Clause offered on report of bill be read second time	}	Ayes.
For receiving a clause.....		
With amendments be engrossed.....		

33 4.  
39 5.

\* Noes. 9 Grey, 365.

That a bill be <i>now</i> read a third time.....	Noes.	398.
Receive a rider.....	} Ayes.	260.
Pass.....		
Be printed.....		
Committees. That A take the chair.....	} Noes.	291.
To agree to the whole or any part of report....		
That the House do <i>now</i> resolve into committee..		
Speaker. That he now leave the chair, after order to go into committee.....		
That he issue warrant for a new writ.....	} Ayes.	344.
Member. That none be absent without leave....		
Witness. That he be further examined.....		
Previous question.....	Noes.	
Blanks. That they be filled with the largest sum..	} Ayes.	
Amendments. That words stand part of.....		
Lords. That their amendment be read a second time.....	Noes.	
Messenger be received.....	} Ayes.	
Orders of day to be now read, if before 2 o'clock..		
If after 2 o'clock.....	Noes.	
Adjournment. Till the next sitting day, if before 4 o'clock .....	} Ayes.	
If after 4 o'clock.....		
Over a sitting day, (unless a previous resolution)	Ayes.	
Over the 30th of January.....	Noes.	
For sitting on Sunday, or any other day not being a sitting day.....	} Ayes.	

The one party being gone forth, the Speaker names two tellers from the affirmative and two from the negative side, who first count those sitting in the House and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth as they come in, and report the number to the Speaker. *Mem. in Hakew., 26.*

A mistake in the report of the tellers may be rectified after the report made. *2 Hats., 145, note.*

[But in both Houses of Congress all these intricacies are avoided. The ayes first rise, and are counted standing in their places by the

President or Speaker. Then they sit, and the noes rise and are counted in like manner.]

[In Senate, if they be equally divided, the Vice-President announces his opinion, which decides.]

[The Constitution, however, has directed that "the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal." And again that in all cases of reconsidering a bill disapproved by the President, and returned with his objections, "the votes of both Houses shall be determined by yeas and nays, and the names of persons voting for and against the bill shall be entered on the journals of each House respectively."]

[By the 16th and 17th rules of the Senate, when the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.]

[When the yeas and nays shall be taken upon any question in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.]

[When it is proposed to take the vote by yeas and nays, the President or Speaker states that "the question is whether, *e. g.*, the bill shall pass—that it is proposed that the yeas and nays shall be entered on the journal. Those, therefore, who desire it, will rise." If he finds and declares that one-fifth have risen, he then states that "those who are of opinion that the bill shall pass are to answer in the affirmative; those of the contrary opinion in the negative." The Clerk then calls over the names alphabetically, notes the yeas or nays of each, and gives the list to the President or Speaker, who declares the result. In the Senate, if there be an equal division, the Secretary calls on the Vice-President and notes his affirmative or negative, which becomes the decision of the House.]

In the House of Commons, every member must give his vote the one way or the other, *Scob.*, 24, as it is not permitted to any one to

Withdraw who is in the House when the question is put, nor is any one to be told in the division who was not in when the question was put. 2 *Hats.*, 140.

This last position is always true when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari passu*. It is true also when the question is put in the usual way, if the negative has also been put; but if it has not, the member entering, or any other member, may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered may have been changed by the new arguments, the affirmative must be put over again. If, then, the member entering may, by speaking a few words, occasion a repetition of a question, it would be useless to deny it on his simple call for it.

While the House is telling, no member may speak or move out of his place; for if any mistake be suspected, it must be told again. *Mem. in Hakew.*, 26; 2 *Hats.*, 143.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. 2 *Hats.*, 143.

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided. *Hakew.*, 93. But if the House be equally divided, *semper presumatur pro negante*; that is, the former law is not to be changed but by a majority. *Towns.*, col. 134.

[But in the Senate of the United States, the Vice-President decides when the House is divided. *Const. U. S.* I, 3.]

When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day. 2 *Hats.*, 126.

1606, May 1, on a question whether a member having said yea  
18



may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 *Eliz.*, who in like case changed his opinion. *Mem. in Hakew.*, 27 -

#### SEC. XLII.—TITLES.

After the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

#### SEC. XLIII.—RECONSIDERATION.

[When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate announcing their decision; nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.\* *Rule 20.*]

[1798, Jan. A bill on its second reading being amended, and on the question whether it shall be read a third time negatived, was restored by a decision to reconsider that question. Here the votes of negative and reconsideration, like positive and negative quantities in equation, destroy one another, and are as if they were expunged from the journals. Consequently the bill is open for amendment, just so far as it was the moment preceding the question for the third reading; that is to say, all parts of the bill are open for amendment except those on which votes have been already taken in its present stage. So, also, it may be recommitted.]

[† The rule permitting a reconsideration of a question affixing to it no limitation of time or circumstance, it may be asked whether there is no limitation? If, after the vote, the paper on which it is passed has been parted with, there can be no reconsideration: as if a vote has been for the passage of a bill, and the bill has been sent to the other House. But where the paper remains, as on a bill rejected;

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\* This part of the rule has been added since the Manual was compiled.

† The rule now fixes a limitation.

When, or under what circumstances, does it cease to be susceptible of reconsideration? This remains to be settled; unless a sense that the right of reconsideration is a right to waste the time of the House in repeated agitations of the same question, so that it shall never know when a question is done with, should induce them to reform this anomalous proceeding.]

In Parliament a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. *Towns.*, col. 67; *Mem. in Hakew.*, 33. And a bill once rejected, another of the same substance cannot be brought in again the same session. *Hakew.*, 158; 6 *Grey*, 392. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by assertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of committees, *e.g.*, report of an address, the same question is before the House, and open for free discussion. *Towns.*, col. 26; 2 *Hats.*, 98, 100, 101. So orders of the House, or instructions to committees, may be discharged. So a bill, begun in one House, and sent to the other, and there rejected, may be renewed again in that other, passed and sent back. *Ib.*, 92; 3 *Hats.*, 161. Or if, instead of being rejected, they read it once and lay it aside or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title. *Hakew.*, 97, 98.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if anything has been omitted or ill expressed, 3 *Hats.*, 278, or an act to enforce, and make more effectual an act, &c., or to rectify mistakes in an act, &c., or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill for supply. 2 *Hats.*, 194, 6. Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. 2 *Hats.*, 94, 98. Or a part of the subject may be taken up by another bill, or taken up in a different way. 6 *Grey*, 304, 316.

the bill was lost. 1 *Chand.*, 288. A like case, 1 *Chand.*, 311. So the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses. 6 *Grey*, 274; 1 *Chand.*, 312.

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the 2d and not the 3d degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the 1st degree, and the amendment to that again by the amending House is only in the 2d, to wit, an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the 2d degree.

#### SEC. XLVI.—CONFERENCES.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. 3 *Hats.*, 31; 1 *Grey*, 425.

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the managers of the other House at the conference; but are not then to be answered. 4 *Grey*, 144. The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory and ask a conference on the subject of the last conference, where they read and deliver, in like manner, written answers to the

reasons. 3 *Grey*, 183. They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. 3 *Grey*, 255. At free conferences, the managers discuss, viva voce and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses the substance of what is said on both sides, and it is entered in their journals. 9 *Grey*, 220; 3 *Hats.*, 280. This report cannot be amended or altered, as that of a committee may be. *Journal Senate*, May 24, 1796.

A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting or adhering. 3 *Hats.*, 269, 341. In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions, and upon terms of impossibility to persuade." 3 *Hats.*, 226. So the Commons say, "an adherence is never delivered at a free conference, which implies debate." 10 *Grey*, 137. And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering. It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering, 3 *Hats.*, 269, and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing, 3 *Hats.*, 251, 253, 260, 286, 291, 316, 349; of insisting, *ib.*, 280, 296, 299, 319, 322, 355; of adhering, 269, 270, 283, 300; and even of a second or final adherence. 3 *Hats.*, 270. And in all cases of conference asked after a vote of disagreement, &c., the conferees of the House asking it are to leave the papers with the conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference chamber. *Ib.*, 271, 317, 323, 354; 10 *Grey*, 146.

After a free conference, the usage is to proceed with free conferences, and not to return again to a conference. 3 *Hats.*, 270; 9 *Grey*, 229.

After a conference denied, a free conference may be asked. 1 *Grey*, 45.

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. *Ord. H. Com.*, 89; 1 *Grey*, 425; 7 *Grey*, 31. They are sometimes asked to inquire concerning an offense or default of a member of the other House. 6 *Grey*, 181; 1 *Chand.*, 304. Or the failure of the other House to present to the King a bill passed by both Houses, 8 *Grey*, 302. Or on information received, and relating to the safety of the nation. 10 *Grey*, 171. Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. 10 *Grey*, 148. So when an unparliamentary message has been sent, instead of answering it, they ask a conference. 3 *Grey*, 155. Formerly an address or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the King, were sometimes communicated by way of conference. 6 *Grey*, 128, 300, 387; 7 *Grey*, 80; 8 *Grey*, 210, 255; 1 *Torbuck's Deb.*, 278; 10 *Grey*, 293; 1 *Chandler*, 49, 287. But this is not the modern practice. 8 *Grey*, 255.

A conference has been asked after the first reading of a bill. 1 *Grey*, 194. This is a singular instance.

#### SEC. XLVII.—MESSAGES.

Messages between the Houses are to be sent only while both Houses are sitting. 3 *Hats.*, 15. They are received during a debate without adjourning the debate. 3 *Hats.*, 22.

[In Senate the messengers are introduced in any state of business, except, 1. While a question is being put. 2. While the yeas and nays are being called. 3. While the ballots are being counted. *Rule* 51. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.]

In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption. 4 *Grey*, 226.

Messengers are not saluted by the members, but by the Speaker for the House. 2 *Grey*, 253, 274.

If messengers commit an error in delivering their message, they may be admitted or called in to correct their message. 4 *Grey*, 41. Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on de novo.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bills in his hand, and acquaints the House "that the other House have by their messenger sent certain bills," and then reads their titles, and delivers them to the Clerk, to be safely kept till they shall be called for to be read. *Hakew.*, 178.

It is not the usage for one House to inform the other by what numbers a bill is passed. 10 *Grey*, 150. Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. 3 *Hats.*, 25 Nor when they have rejected a bill from the other House, do they give notice of it; but it passes subsilently, to prevent unbecoming altercations. 1 *Blackst.*, 183.

[But in Congress the rejection is notified by message to the House in which the bill originated.]

A question is never asked by the one House of the other by way of message, but only at a conference; for this is an interrogatory, not a message. 3 *Grey*, 151, 181.

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. 3 *Hats.*, 25; 5 *Grey*, 154. But if it be mere inattention, it is better to have it done informally by communications between the Speakers or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration, being original, could not possibly be sent to both Houses at the same time. 2 *Hats.*, 260, 261, 262.

*Jefferson's Manual.*

The King having sent original letters to the Commons, afterward desires they may be returned, that he may communicate them to the Lords. 1 *Chandler*, 303:

SEC. XLVIII.—ASSENT.

The House which has received a bill and passed it may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect and good understanding. 2 *Hats.*, 242. Were the bill to be withheld from being presented to the King, it would be an infringement of the rules of Parliament. *Ib.*

[When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers the bill to the Joint Committee of Enrolment, who see that it is truly enrolled in parchment.] When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. 9 *Grey*, 143. [It is then put into the hands of the Clerk of the House of Representatives to have it signed by the Speaker. The Clerk then brings it by way of message to the Senate to be signed by their President. The Secretary of the Senate returns it to the Committee of Enrolment, who present it to the President of the United States. If he approve, he signs, and deposits it among the rolls in the office of the Secretary of State, and notifies by message the House in which it originated that he has approved and signed it; of which that House informs the other by message. If the President disapproves, he is to return it, with his objections, to that House in which it shall have originated; who are to enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, shall become a law. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent return; in which case it shall not be a law. *Const.*, I, 7.]

[Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill. *Const.*, I, 7.]

SEC. XLIX.—JOURNALS.

[Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy. *Const.*, I, 5.]

[The proceedings of the Senate, when not acting as in a Committee of the Whole, shall be entered on the journals as concisely as possible, care being taken to detail a true account of the proceedings. Every vote of the Senate shall be entered on the journals, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, be also inserted on the journal. *Rule 5.*]

[The titles of bills, and such parts thereof, only, as shall be affected by proposed amendments, shall be inserted on the journals. *Rule 5.*]

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. 2 *Hats.*, 83.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed, which it may be improper to publish to the world in the form in which they are made. 2 *Hats.*, 85.



[In both Houses of Congress, all questions whereon the yeas and nays are desired by one-fifth of the members present, whether decided affirmatively or negatively, must be entered in the journals. *Const.*, I, 5.]

The first order for printing the votes of the House of Commons was October 30, 1685. 1 *Chandler*, 387.

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law. *Hob.*, 110, 111; *Lex Parl.*, 114, 115; *Four H. C.*, Mar. 17, 1592; *Hale, Parl.*, 105. For the Lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of Parl., 6 *H.* 8, c. 16; 4 *Inst.*, 23, 24; and every member of the House of Commons hath a judicial place. 4 *Inst.*, 15. As records they are open to every person, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a committee to inspect the journals of the other, and report what has been done by the other in any particular case. 2 *Hats.*, 261; 3 *Hats.*, 27-30. Every member has a right to see the journals and to take and publish votes from them. Being a record, every one may see and publish them. 6 *Grey*, 118, 119.

On information of a mis-entry or omission of an entry in the journal, a committee may be appointed to examine and rectify it, and report it to the House. 2 *Hats.*, 194, 195.

#### SEC. L.—ADJOURNMENT.

The two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The King has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fitting. 2 *Hats.*, 232; 1 *Blackst.*, 186; 5 *Grey*, 122.

[By the Constitution of the United States, a smaller number than a majority may adjourn from day to day. I, 5. But "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that

in which the two Houses shall be sitting." I, 5. And in case of disagreement between them, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper. *Const.*, II, 3.]

A motion to adjourn, simply, cannot be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, "that at its rising it will adjourn to a particular day," and then the House is adjourned to that day. 2 *Hats.*, 82.

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c., it adjourns during pleasure; 2 *Hats.*, 305; or for a quarter of an hour. 5 *Grey*, 331.

If a question be put for adjournment, it is no adjournment till the Speaker pronounces it. 5 *Grey*, 137. And from courtesy and respect, no member leaves his place till the Speaker has passed on.

#### SEC. LI.—A SESSION.

Parliament have three modes of separation, to wit: by adjournment, by prorogation or dissolution by the King, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session; provided some act was passed. In this case all matters depending before them are discontinued, and at their next meeting are to be taken up *de novo*, if taken up at all. 1 *Blackst.*, 186. Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c., *ad libitum*. All matters depending remain *in statu quo*, and when they meet again, be the term ever so distant, are resumed, without any fresh commencement, at the point at which they were left. 1 *Lev.*, 165; *Lex. Parl.*, c. 2; 1 *Ro. Rep.*, 29; 4 *Inst.*, 7, 27, 28; *Hutt.*, 61; 1 *Mod.*, 252; *Ruffh. Fac.*, *L. Dict. Parliament*; 1 *Blackst.*, 186. Their whole session is considered in law but as one day, and has relation to the first day thereof. *Bro. Abr. Parliament*, 86.

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. 5 *Grey*, 374; 9 *Grey*, 350; 1 *Chandler*, 50. Neither House can continue any portion of itself in any

parliamentary function beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose.

[Congress separate in two ways only, to wit, by adjournment, or dissolution by the efflux of their time. What, then, constitutes a session with them? A dissolution certainly closes one session, and the meeting of the new Congress begins another. The Constitution authorizes the President "on extraordinary occasions, to convene both Houses, or either of them." I, 3. If convened by the President's proclamation, this must begin a new session, and of course determine the preceding one to have been a session. So if it meets under the clause of the Constitution, which says, "the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day." I, 4. This must begin a new session; for even if the last adjournment was to this day, the act of adjournment is merged in the higher authority of the Constitution, and the meeting will be under that, and not under their adjournment. So far we have fixed landmarks for determining sessions. In other cases it is declared by the joint vote authorizing the President of the Senate and the Speaker to close the session on a fixed day, which is usually in the following form: "Resolved by the Senate and House of Representatives, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the — day of —."]

When it was said above that all matters depending before Parliament were discontinued by the determination of the session, it was not meant for judiciary cases depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued, of course, to the next session. *Raym.*, 120, 381; *Ruffh. Fac.*, *L. D. Parliament*.

[Impeachments stand, in like manner, continued before the Senate of the United States.]

#### SEC. LII.—TREATIES.

[The President of the United States has power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. *Const.*, II, 2.]

[Resolved, that all confidential communications made by the President of the United States to the Senate shall be, by the members thereof, kept secret; and that all treaties which may hereafter be laid before the Senate shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy. *Rule 67.\**]

[Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power; and there, also, if they touch the laws of the land, they must be approved by Parliament. *Ware v. Hylton*, 3 *Dallas's Rep.*, 223. It is acknowledged, for instance, that the King of Great Britain cannot by a treaty make a citizen of an alien. *Vattel*, b. 1, c. 19, sec. 214. An act of Parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament; but a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty. 4 *Russell's Hist. Mod Europe*, 457; 2 *Smollet*, 242, 246.

[By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. 1. It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, *res inter alias acta*. 2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and cannot be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate cannot do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except

\* This rule has been so amended as to except Indian treaties; which shall be considered and acted upon in open Senate, unless the same shall be transmitted by the President to the Senate in confidence.

those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For examine, *e. g.*, the treaty of commerce with France, and it will be found that, out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.]

[Treaties being declared, equally with the laws of the United States, to be the supreme law of the land, it is understood that an act of the legislature alone can declare them infringed and rescinded. This was accordingly the process adopted in the case of France in 1798.]

[It has been the usage for the Executive, when it communicates a treaty to the Senate for their ratification, to communicate also the correspondence of the negotiators. This having been omitted in the case of the Prussian treaty, was asked by a vote of the House of February 12, 1800, and was obtained. And in December, 1800, the convention of that year between the United States and France, with the report of the negotiations by the envoys, but not their instructions, being laid before the Senate, the instructions were asked for and communicated by the President.]

[The mode of voting on questions of ratification is by nominal call.]

[Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify the whole or any part, shall be received. Its second reading shall be for consideration, and on a subsequent day, when it shall be taken up as in a Committee of the Whole, and every one shall be free to move a question on any particular article in this form: "Will the Senate advise and consent to the ratification

of this article?" or to propose amendments thereto, either by inserting or by leaving out words, in which last case the question shall be, "Shall the words stand part of the article?" And in every of the said cases the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And, when through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon, for confirmation, or new ones proposed, requiring in like manner a concurrence of two-thirds for whatever is retained or inserted.]

[The votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case the question shall be, "Shall the words stand part of the resolution?" And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative; as well as on the final question to advise and consent to the ratification in the form agreed to. *Rule 69.\**]

[When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who voted on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for a reconsideration shall be decided by a majority of votes. *Rule 20.*]

#### SEC. LIII.—IMPEACHMENT.

[The House of Representatives shall have the sole power of impeachment. *Const.*, I, 3.]

[The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation: When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. But the party convicted shall, neverthe-

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\* This rule has since been modified by the Senate. See page 151.

less, be liable and subject to indictment, trial, judgment, and punishment according to law. *Const.*, I, 3.]

[The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. *Const.*, II, 4.]

[The trial of crimes, except in cases of impeachment, shall be by jury. *Const.*, III, 2.]

These are the provisions of the Constitution of the United States on the subject of impeachments. The following is a sketch of some of the principles and practices of England on the same subject :

Jurisdiction. The Lords cannot impeach any to themselves, nor join in the accusation, because they are the judges. *Seld. Judic. in Parl.*, 12, 63. Nor can they proceed against a commoner but on complaint of the Commons. *Ib.*, 84. The Lords may not, by the law, try a commoner for a capital offense, on the information of the King or a private person, because the accused is entitled to a trial by his peers generally ; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offense ; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the Lords do only judge, but not try the delinquent. *Ib.*, 6, 7. But Wooddeson denies that a commoner can now be charged capitally before the Lords, even by the Commons ; and cites Fitzharris's case, 1681, impeached of high treason, where the Lords remitted the prosecution to the inferior court. 8 *Grey's Deb.*, 325-7 ; 2 *Wooddeson*, 576, 601 ; 3 *Seld.*, 1604, 1610, 1618, 1619, 1641 ; 4 *Blackst.*, 257 ; 9 *Seld.*, 1656.

Accusation. The Commons, as the grand inquest of the nation, become suitors for penal justice. 2 *Wood.*, 597 ; 6 *Grey*, 356. The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the peers will take order for

his appearance. *Sachev. Trial*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 *June*, 1701; 1 *Wms.*, 616; 6 *Grey*, 324.

Process. If the party do not appear, proclamations are to be issued, giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues, giving a short day. If he appear not, his goods may be arrested, and they may proceed. *Seld. Jud.*, 98, 99.

Articles. The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of Parliament, in impeachment for writing or speaking, the particular words need not be specified. *Sach. Tr.*, 325; 2 *Wood.*, 602, 605; *Lords' Journ.*, 3 *June*, 1701; 1 *Wms.*, 616.

Appearance. If he appear, and the case be capital, he answers in custody; though not if the accusations be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers, a lord in his place, a commoner at the bar, and not in custody, unless, on the answer, the Lords find cause to commit him, till he finds sureties to attend, and lest he should fly. *Seld. Jud.*, 98, 99. A copy of the articles is given him, and a day fixed for his answer. *T. Ray.*; 1 *Rushw.*, 268; *Fost.*, 232; 1 *Clar. Hist. of the Reb.*, 379. On a misdemeanor, his appearance may be in person, or he may answer in writing, or by attorney. *Seld. Jud.*, 100. The general rule on accusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. *Ib.*, 101. If previously committed by the Commons, he answers as a prisoner. But this may be called in some sort *judicium parium suorum*. *Ib.* In misdemeanors the party has a right to counsel by the common law, but not in capital cases. *Seld. Jud.*, 102, 105.

Answer. The answer need not observe great strictness of form. He may plead guilty as to part, and defend as to the residue; or, saving all exceptions, deny the whole or give a particular answer to each article separately. 1 *Rush.*, 274; 2 *Rush.*, 1374; 12 *Parl. Hist.*, 442; 3 *Lords' Journ.*, 13 *Nov.*, 1643; 2 *Wood.*, 607. But he cannot plead a pardon in bar to the impeachment. 2 *Wood.*, 615; 2 *St. Tr.*, 735.

Replication, rejoinder, &c. There may be a replication, rejoinder,



&c. *Seld. Jud.*, 114; 8 *Grey's Deb.*, 233; *Sach. Tr.*, 15; *Journ. H. of Commons*, 6 March, 1640-1.

Witnesses. The practice is to swear the witnesses in open House, and then examine them there; or a committee may be named, who shall examine them in committee, either on interrogatories agreed on in the House, or such as the committee in their discretion shall demand. *Seld. Jud.*, 120, 123.

Jury. In the case of Alice Pierce, 1 *R.*, 2, a jury was impaneled for her trial before a committee. *Seld. Jud.*, 123. But this was on a complaint, not on impeachment by the Commons. *Seld. Jud.*, 163. It must also have been for a misdemeanor only, as the Lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. *Id.*, 148. The judgment was a forfeiture of all her lands and goods. *Id.*, 188. This, Selden says, is the only jury he finds recorded in Parliament for misdemeanors; but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impaneled, and he adds that it is not so on impeachment by the Commons; for they are in loco proprio, and there no jury ought to be impaneled. *Id.*, 124. The *Ld. Berkeley*, 6 *E.*, 3, was arraigned for the murder of *L. 2*, on an information on the part of the King, and not on impeachment of the Commons; for then they had been *patria sua*. He waived his peerage, and was tried by a jury of Gloucestershire and Warwickshire. *Id.*, 125. In 1 *H.* 7, the Commons protest that they are not to be considered as parties to any judgment given, or hereafter to be given, in Parliament. *Id.*, 133. They have been generally and more justly considered, as is before stated, as the grand jury; for the conceit of Selden is certainly not accurate, that they are the *patria sua* of the accused, and that the Lords do only judge, but not try. It is undeniable that they do try; for they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, "the peers are judges of law as well as of fact;" 2 *Hale, P. C.*, 275; consequently of fact as well as of law.

Presence of Commons. The Commons are to be present at the examination of witnesses. *Seld. Jud.*, 124. Indeed, they are to attend throughout, either as a committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs.

*Rushw. Tr. of Straff.*, 37; *Com. Journ.*, 4 Feb., 1709-10; 2 *Wood.*, 614. And judgment is not to be given till they demand it. *Seld. Jud.*, 124. But they are not to be present on impeachment when the Lords consider of the answer or proofs and determine of their judgment. Their presence, however, is necessary at the answer and judgment in cases capital *Id.* 58, 159 as well as not capital; 162. The Lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty; and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. *Seld. Jud.*, 167; 2 *Wood.*, 612.

Judgment. Judgments in Parliament, for death, have been strictly guided per legem terræ, which they cannot alter; and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be secundum, non ultra legem. *Seld. Jud.*, 168, 171. This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments, prevailed; for impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment, therefore, is to be such as is warranted by legal principles or precedents. 6 *Sta. Tr.*, 14; 2 *Wood.*, 611. The Chancellor gives judgment in misdemeanors; the Lord High Steward formerly in cases of life and death. *Seld. Jud.*, 180. But now the Steward is deemed not necessary. *Fost.*, 144; 2 *Wood.*, 613. In misdemeanors the greatest corporal punishment hath been imprisonment. *Seld. Jud.*, 184. The King's assent is necessary in capital judgments, (but 2 *Wood.*, 614, contra,) but not in misdemeanors. *Seld. Jud.*, 136.

Continuance. An impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament. *T. Ray.*, 383; 4 *Com. Journ.*, 23 Dec., 1790; *Lords' Jour.*, May 15, 1791; 2 *Wood.*, 618.



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GENERAL LAWS  
OF  
USEFUL REFERENCE IN LEGISLATION.

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## GENERAL LAWS OF USEFUL REFERENCE IN LEGISLATION.

### ELECTION OF PRESIDENT AND VICE-PRESIDENT AND PROVIDING FOR VACANCIES IN THOSE OFFICES.

#### NUMBER OF ELECTORS NOW COMPOSING THE ELECTORAL COLLEGE OF EACH STATE.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector. [*Cons., Art. II, Sec. 1, cl. 2.*]

Under the foregoing clause of the Constitution and the last apportionment of Representatives among the several States, the whole number of electors for President and Vice-President is 369, and the number of electors which each State will be entitled to choose is—

Alabama .....	10	Iowa .....	11	Missouri .....	15	Pennsylvania .	29
Arkansas ....	6	Kansas .....	5	Nebraska .....	3	Rhode Island .	4
California ....	6	Kentucky ....	12	Nevada .....	3	South Carolina	7
Colorado .....	3	Louisiana ....	8	New Hampshire	5	Tennessee ....	12
Connecticut ..	6	Maine .....	7	New Jersey ...	9	Texas .....	8
Delaware .....	3	Maryland ....	8	New York .....	35	Vermont .....	5
Florida .....	4	Massachusetts	13	North Carolina	10	Virginia .....	11
Georgia .....	11	Michigan ....	11	Ohio .....	22	West Virginia .	5
Illinois .....	21	Minnesota ...	5	Oregon .....	3	Wisconsin ....	10
Indiana .....	15	Mississippi ...	8				

#### TIME OF APPOINTING ELECTORS. (*Revised Statutes.*)

SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven

to one hundred and forty-nine inclusive, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President shall be appointed in each State on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President. [*See Sec. 5520.*]

[*SEC. 5520.* If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of the Congress of the United States, or to injure any citizen in person or property, on account of such support or advocacy, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.]

#### NUMBER OF ELECTORS.

*SEC. 132.* The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President to be chosen come into office, except that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

#### VACANCIES IN THE ELECTORAL COLLEGE.

*SEC. 133.* Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

#### IN CASE OF FAILURE TO ELECT ON THE DAY APPOINTED.

*SEC. 134.* Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

MEETING OF THE ELECTORAL COLLEGE.

SEC. 135. The electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place in each State as the legislature of such State shall direct.

CERTIFIED LISTS OF ELECTORS TO BE MADE.

SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

MANNER OF VOTING.

SEC. 137. The electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

CERTIFICATES TO BE SIGNED BY THE ELECTORS.

SEC. 138. The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

CERTIFICATES TO BE SEALED AND INDORSED BY THE ELECTORS.

SEC. 139. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President, are contained therein.

DISPOSITION TO BE MADE OF THE CERTIFICATES.

SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

*One.* They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and de-



liver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

*Two.* They shall forthwith forward, by the post-office, to the President of the Senate, at the seat of Government, one other of the certificates.

*Three.* They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

IN CASE OF FAILURE TO RECEIVE THE CERTIFICATES.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

COUNTING THE ELECTORAL VOTES.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

IN CASE THE PRESIDENT OF THE SENATE BE ABSENT, THE CERTIFICATES ARE TO BE DELIVERED TO THE SECRETARY OF STATE.

SEC. 143. In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such person shall deliver such certificates into the office of the Secretary of State, to be safely kept and delivered over, as soon as may be, to the President of the Senate.

MILEAGE OF MESSENGERS.

SEC. 144. Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate, shall be al-

lowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States, *computed for the one distance only.* [*Act of December 18, 1876.*]

PENALTY FOR NEGLIGENCE OF DUTY BY ANY MESSENGER.

SEC. 145. Every person who, having been appointed, pursuant to subdivision one, of section one hundred and forty, or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars.

IN CASE OF VACANCIES IN THE OFFICES OF PRESIDENT AND VICE-PRESIDENT.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives for the time being, shall act as President until the disability is removed or a President elected.

EXECUTIVES OF THE STATES TO BE NOTIFIED OF VACANCIES.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

CHARACTER OF THE NOTIFICATION TO THE EXECUTIVES OF THE STATES.

SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States as follows:

*First.* If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors

shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

*Second.* If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

#### TIME OF HOLDING ELECTION TO FILL VACANCIES.

SEC. 149. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

#### REGULATIONS FOR QUADRENNIAL ELECTIONS APPLICABLE TO ELECTIONS TO FILL VACANCIES.

SEC. 150. The provisions of this Title relating to the quadrennial election of President and Vice-President shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

#### RESIGNATION OR REFUSAL TO ACCEPT THE OFFICE OF PRESIDENT OR VICE-PRESIDENT.

SEC. 151. The only evidence of a refusal to accept, or of the resignation of, the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State.

## ORGANIZATION OF THE MEETINGS OF CONGRESS.

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### SENATE.

#### OATH OF SENATORS AND PRESIDENT OF THE SENATE.

*(Revised Statutes.)*

SEC. 28. The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected, previous to his taking his seat.

SEC. 29. When a President of the Senate has not taken the oath of office, it shall be administered to him by any member of the Senate \*

#### ELECTION OF SENATORS.

*(Revised Statutes.)*

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a *viva-voce* vote of each member

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\* When the term of a Senator expires while holding the office of President *pro tempore*, and he is re-elected, there being no Vice-President, or he being absent at the commencement of the next session of the Senate, the usage has been, on the first day of the session, to direct by resolution that the oaths be administered to him by a Senator named in the resolution (usually the Senator of longest continuous service) and that he be chosen President *pro tempore*.

present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a *viva-voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

ORGANIZATION OF THE HOUSE OF REPRESENTATIVES.

*(Revised Statutes.)*

SEC. 30. At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other business; and to the Members and Delegates who afterward appear, previous to their taking their seats.

ROLL OF REPRESENTATIVES ELECT TO BE MADE BY THE CLERK.

SEC. 31. Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States.

IF THERE BE NO CLERK, THEN THE SERGEANT-AT-ARMS TO ACT.

SEC. 32. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom, relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.

IF THERE BE NO CLERK NOR SERGEANT-AT-ARMS, THEN THE DOOR-KEEPER TO ACT.

SEC. 33. In case of vacancies in the offices of both the Clerk and Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Doorkeeper of the next preceding House of Representatives.

## APPORTIONMENT AND REPRESENTATION.

## NUMBER OF MEMEERS OF THE HOUSE OF REPRESENTATIVES.

*(Revised Statutes.)*

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety [two] *three* members,\* to be apportioned among the several States as follows :

Maine .....	5	Maryland ....	6	Tennessee ...	10	Wisconsin ...	8
New Hampshire	3	Virginia .....	9	Indiana .....	13	California ....	4
Vermont .....	3	North Carolina	8	Illinois .....	19	Minnesota ...	3
Massachusetts ..	11	South Carolina	5	Missouri .....	13	Oregon .....	1
Rhode Island...	2	Georgia .....	9	Arkansas ....	4	Kansas .....	3
Connecticut ....	4	Alabama .....	8	Michigan ....	9	West Virginia.	3
New York .....	33	Mississippi...	6	Florida .....	2	Nevada .....	1
New Jersey ....	7	Louisiana ....	6	Texas .....	6	Nebfaska ....	1
Pennsylvania ...	27	Ohio .....	20	Iowa .....	9	*Colorado .....	1
Delaware .....	1	Kentucky ....	10				

## REPRESENTATIVES OF NEW STATES.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.

[Since the admission of Colorado two hundred and ninety-three.]

## REDUCTION OF REPRESENTATIVES UNDER 14TH AMENDMENT.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

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\* The State of Colorado was admitted into the Union on the first day of August, 1876, and is entitled to one Representative, making the number two hundred and ninety-three.

## ELECTIONS TO BE BY DISTRICTS OF CONTIGUOUS TERRITORY.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, but no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

## UNIFORM TIME FOR HOLDING ELECTIONS IN THE STATES AND TERRITORIES.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day in each of the States and Territories of the United States for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November in every second year thereafter is established as the day for the election in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress, shall be held at the time and places, and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as all elections for a Delagate in organized Territories, such time, places, and manner of holding the elections shall be prescribed by the law of each Territory.

## ELECTIONS TO FILL VACANCIES.

SEC. 26. The time for holding elections in any State, district, or Territory, for a Representative or Delegate to fill a vacancy, whether



such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

VOTES FOR REPRESENTATIVES TO BE BY WRITTEN OR PRINTED BALLOT.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise, whose election for Representatives occurs previous to the regular meeting of its legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one.

WHEN THE PRESIDENT MAY CHANGE THE PLACE  
OF MEETING OF CONGRESS.

*(Revised Statutes.)*

SEC. 34. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

PAY OF CERTAIN PUBLIC OFFICERS.

PAY OF THE PRESIDENT OF THE UNITED STATES.

*(Revised Statutes.)*

SEC. 153. The President shall receive in full for his services, during the term for which he shall have been elected, the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion.

PAY OF THE VICE-PRESIDENT AND HEADS OF DEPARTMENTS.

Hereafter the annual compensation of the Vice-President, Secretaries of State, Treasury, War, Navy, and Interior, and of the Postmaster-General and the Attorney-General, shall be eight thousand dollars each. [*Stat.* 11, 48.]

PAY OF THE PRESIDENT OF THE SENATE PRO TEMPORE AND OF  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The President of the Senate *pro tempore*, when there shall be no Vice-President or the Vice-President shall become President of the United States, shall receive the compensation provided by law for the Vice-President. [*Stat.* 11, 48.]

The pay of the Speaker of the House of Representatives shall be eight thousand dollars per annum. [*Stat.* 14, 323.]

PAY OF MEMBERS OF CONGRESS.

The compensation of each Senator, Representative, and Delegate in Congress shall be five thousand dollars per annum; and in addition thereto, mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session: *Provided*, That hereafter, mileage-accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives. [*July* 28, 1866; 14 *Stat.*, 323.]

Mileage for two sessions only, to be paid in the following manner, to wit: On the first day of each regular session, each Senator, Representative, and Delegate shall receive his mileage for one session; and at the beginning of the second regular session of the Congress, each Senator, Representative, and Delegate shall receive his mileage for such second session. [*Aug.* 16, 1856; 11 *Stat.*, 48.]

On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage as now allowed by law; and on the first day of the second, or any subsequent session he shall receive his mileage as now allowed. [*Dec.* 23, 1857; 11 *Stat.*, 367.]

A yearly allowance of one hundred and twenty-five dollars for stationery and newspapers is now made to Senators. [*March* 3, 1869; 15 *Stat.*, 284.]

In all cases of vacancy in either house of Congress, by death or otherwise, of any member elected or appointed thereto, after the commencement of the Congress to which he shall have been elected, each person afterwards elected or appointed to fill such vacancy shall

be compensated and paid from the time the compensation of his predecessor ceased. [*July 12, 1862; 12 Stat., 624.*]

In the event of the death of any Senator, Representative, or Delegate prior to the commencement of the first session of the Congress, he shall be neither entitled to mileage or compensation; and in the event of death after the commencement of any session, his representatives shall be entitled to receive so much of his compensation, computed at the rate of [three] *five* thousand dollars per annum, as he may not have received, and any mileage that may have actually accrued and be due and unpaid. [*Aug. 16, 1856; 11 Stat., 48.*]

That whenever, hereafter, any person elected a member of the Senate and House of Representatives shall die after the commencement of the Congress to which he shall have been so elected, compensation shall be computed and paid to his widow, or if no widow survive him to his heirs at law, for the period that shall have elapsed from the commencement of such Congress as aforesaid to the time of his death at the rate of [three] *five* thousand dollars per annum: *Provided, however,* That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further,* That in no case shall constructive mileage be computed or paid.

That the compensation of each person elected; or appointed afterward, to supply the vacancy so occasioned, shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise. [*March 3, 1859; 11 Stat., 442.*]

#### PAY OF THE JUDGES OF THE SUPREME COURT.

The Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars a year, and the Justices thereof shall receive the sum of ten thousand dollars a year each, to be paid monthly. [*R. S., s. 676.*]

#### SUPREME COURT.

(*Revised Statutes.*)

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

PRECEDENCE OF ASSOCIATE JUSTICES.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

VACANCY IN THE OFFICE OF CHIEF JUSTICE.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

SESSIONS AND QUORUM OF THE COURT.

SEC. 684. The Supreme Court shall hold, at the seat of government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; and suits, proceedings, recognizances, and processes pending in or returnable to said court, shall be tried, heard, and proceeded with as if the time of holding said sessions had not been hereby altered.

SEC. 685. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner, a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

SEC. 686. The justices attending at any term when less than a quorum is present, may, within the twenty days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

### COURT OF CLAIMS.

#### APPOINTMENT AND PAY OF THE JUDGES.

*(Revised Statutes.)*

SEC. 1049. The Court of Claims, established by the act of February 24, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States and to discharge faithfully the duties of his office, and shall be entitled to receive an annual salary of four thousand five hundred dollars, payable quarterly from the Treasury.

#### SESSIONS OF THE COURT.

SEC. 1052. The Court of Claims shall hold one annual session at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court.

#### QUORUM OF THE JUDGES.

Any three judges of the Court of Claims shall constitute a quorum: *Provided*, That the concurrence of three judges shall be necessary to the decision of any case. [*Stat.*, 18, 252.]

#### JUDGMENTS OF THE COURT TO BE ANNUALLY REPORTED TO CONGRESS.

SEC. 1057. On the first day of every December session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year.

#### MEMBERS OF CONGRESS SHALL NOT PRACTICE IN THE COURT.

SEC. 1058. Members of either house of Congress shall not practice in the Court of Claims.

## PROVISIONS RELATING TO THE TENURE OF CERTAIN CIVIL OFFICES.

*(Revised Statutes.)*

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed, by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed, by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation, or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate,

is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

SEC. 1770. That nothing in sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, or seventeen hundred and sixty-nine, shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the provisions of the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1772. Every removal, appointment, or employment made, had, or exercised, contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1773. The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate.

SEC. 1774. Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof; and the Secretary of the Treasury shall thereupon communicate such notice to all the proper accounting and disbursing officers of his Department.

SEC. 1775. The Secretary of the Senate shall, at the close of each

session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session.

SEC. 1760. No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office, when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session, and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

SEC. 1762. No money shall be paid or received from the Treasury or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof. Every person who violates any of the provisions of this section shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than ten years or fined not more than ten thousand dollars, or both.



THE SECRETARY OF STATE TO MAKE ARRANGEMENTS FOR THE SALE  
OF REVISED STATUTES.

The Secretary of State is authorized to make arrangement with persons engaged in the business of selling books, to keep on sale the Revised Statutes of the United States; but in any such arrangement it shall be provided that the same be sold at the Government price to all purchasers, and the Secretary may allow to any such person keeping the Revised Statutes for sale such part of the ten per cent. above the actual cost as he may deem just and reasonable. [*Stat.* 18, 329.]

LAWS TO BE PRINTED AT THE CLOSE OF EACH SESSION OF CON-  
GRESS.

*(Revised Statutes.)*

SEC. 3803. The Secretary of State shall furnish the Public Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval.

SEC. 3807. At the close of each session of Congress there shall be printed and bound for the use of the Senate three thousand and for the use of the House of Representatives ten thousand copies of all acts and resolutions so furnished.

ACTS AND RESOLUTIONS OF CONGRESS APPROVED BY THE PRESIDENT  
OR PASSED OVER HIS VETO TO BE DEPOSITED IN THE STATE DE-  
PARTMENT.

Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both houses of Congress, and thereby becomes a law or takes effect,

it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives, in whichsoever house it shall last have been so approved, and he shall carefully preserve the originals. [*Stat.* 18, 294.]

THE RATIFICATION OF AMENDMENTS TO THE CONSTITUTION TO BE  
MADE PUBLIC BY PROCLAMATION BY THE SECRETARY OF STATE.

*(Revised Statutes.)*

SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

THE ADMINISTERING OF OATHS TO, AND THE EXAMINATION OF,  
WITNESSES BEFORE COMMITTEES OF EITHER HOUSE OF CONGRESS.

*(Revised Statutes.)*

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either house of Congress, is empowered to administer oaths to witnesses in any case under their examination.

SEC. 102. Every person who having been summoned as a witness by the authority of either house of Congress to give testimony or to produce papers upon any matter under inquiry before either house, or any committee of either house of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by

either house of Congress, or by any committee of either house, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

SEC. 104. Whenever a witness, summoned as mentioned in section one hundred and two, fails to testify, and the facts are reported to either house, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact, under the seal of the Senate or House, to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

SEC. 859. No testimony given by a witness before either house or before any committee of either house of Congress shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege.

FURTHER PROVISION FOR THE ADMINISTERING OF OATHS IN THE  
SENATE.

The Presiding Officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect of any matter within the jurisdiction of the Senate.

SEC. 2. That the Secretary of the Senate, and the chief clerk thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it.

CERTIFIED EXTRACTS FROM THE JOURNALS OF THE SENATE AND  
HOUSE OF REPRESENTATIVES.

*(Revised Statutes.)*

SEC. 71. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the Journal of the Senate or the Executive Journal of the Senate, when the injunction of secrecy has been

removed, or from the Journal of the House of Representatives, except when such transcripts are required by an officer of the United States, in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared, the sum of ten cents for each sheet containing one hundred words.

FORM OF ENACTING CLAUSES AND EFFECT OF REPEALS.

*(Revised Statutes.)*

SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

SEC. 8. The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

SEC. 9. No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.

SEC. 10. Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.

SEC. 11. The style and title of all acts making appropriations for the support of Government shall be as follows: "An act making appropriations (here insert the object) for the year ending June thirtieth, (here insert the calendar year.)"

SEC. 12. Whenever an act is repealed which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.

SEC. 13. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

POSTAGE ON PUBLIC DOCUMENTS.

Hereafter the postage on public documents mailed by any member of Congress, President, or head of any Executive Department shall

be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers; and the words "Public Document" written or printed thereon, or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress or either house thereof: *Provided*, That the postage on each copy of the daily Congressional Record, mailed from the city of Washington as transient matter, shall be one cent. [*Stat.* 18, 237.]

That all public documents already printed, or which have been ordered to be printed by the present Congress, shall be distributed among Senators in accordance with the usage of the Senate, and among the Representatives and Delegates of the said Congress, and subject to their respective orders until the first day of January next; and that such of these documents as cannot under existing laws be transmitted through the mails free of postage may be so transmitted, under the frank of such Senators, Representatives, and Delegates, until the first day of January next, subject to such regulations as the Postmaster-General may prescribe; and all public documents which may be transmitted through the mails free of postage may be sent from the document and folding rooms of the two houses of Congress, free of postage, to such Senators, Representatives, and Delegates until the first day of January next. [*Sundry civil bill, app. March 3, 1877.*]

CONGRESSIONAL RECORD.

That from and after the passage of this act the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe. [*Stat.* 18, 343.] It shall be lawful for the Public Printer to print and deliver, upon the order of any Senator, or member of the House of Representatives, or Delegate, extracts from the Congressional Record, the person ordering the same paying the cost thereof. [*Stat.* 18, 347.]

## AGRICULTURAL REPORTS AND SEEDS.

That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress, or Delegate, receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as members and Delegates. [*Stat.*, 18, 343.]

## FRANKING PRIVILEGE.

In the act approved March 3, 1877, entitled "An act to establish post-roads, and for other purposes," is found the following sections:

"SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words 'Official business' an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

"SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelope; and in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon."

Under the provisions of these sections, letters, packages, and other matter mentioned in these sections which can pass free through the mails indorsed as therein directed, are such only as are sent from an Executive Department, or a bureau or office of the same in envelopes provided by the respective Departments, according to the provisions of the sixth section.

"SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send and receive through the mails, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office."

Public documents which may be sent in the mail under the provisions of this section, and not under the provisions of other laws, do not pass free of postage.

STATES INVITED TO PLACE STATUES OF TWO OF THEIR MOST EMINENT CITIZENS IN THE CAPITOL.

*(Revised Statutes.)*

SEC. 1814. Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of Public Buildings and Grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown, or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

SEC. 1815. No statuary, painting, or other article, the property of an individual, shall hereafter be allowed to be exhibited in the rotunda or any other portion of the Capitol building.

PUBLIC HOLIDAYS IN THE DISTRICT OF COLUMBIA.

The following days, to wit: The first day of January, commonly called New Year's day; the fourth day of July; the twenty-fifth day

of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District of Columbia, and shall, for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday; and all notes, drafts, checks, or other commercial or negotiable paper, falling due or maturing on either of said holidays, shall be deemed as having matured on the day previous. [*Stats.*, 16, 168.]

MONUMENTS TO DECEASED MEMBERS OF CONGRESS.

Hereafter whenever any deceased Senator or member of the House of Representatives shall be actually interred in the Congressional Cemetery, so called, it shall be the duty of the Sergeant-at-Arms of the Senate, in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives, in the case of a member of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are hereby directed and authorized to be supplied in like manner, and all laws upon the subject of monuments in the Congressional Cemetery are hereby repealed. [*Stats.* 19, 54.]





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**RATIFICATIONS OF THE CONSTITUTION**

**BY**

**THE ORIGINAL THIRTEEN STATES, THE ADMISSION  
OF NEW STATES, AND THE ORGANIZA-  
TION OF THE TERRITORIES.**

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## RATIFICATIONS OF THE CONSTITUTION BY THE ORIGINAL THIRTEEN STATES.

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The Constitution was adopted in convention on the 17th of September, 1787, by the unanimous consent of the States present. These were the original thirteen States, with the exception of the State of Rhode Island; and all of them, afterwards, including that State, by their conventions, ratified the Constitution, and in the following order:

### DELAWARE

Ratified the Constitution December 7, 1787. Population at the time of ratification, 59,096; in 1870, 125,015.

Area, 2,120 square miles.

### PENNSYLVANIA

Ratified the Constitution December 12, 1787. Population at the time of ratification, 434,373; in 1870, 3,521,890.

Area, 46,000 square miles.

### NEW JERSEY

Ratified the Constitution December 18, 1787. Population at the time of ratification, 184,139; in 1870, 906,096.

Area, 8,320 square miles.

### GEORGIA

Ratified the Constitution January 2, 1788. Population at the time of ratification, 82,548; in 1870, 1,184,109.

Area, 58,000 square miles.

Passed an ordinance of secession January 19, 1861.

The State again admitted to representation in Congress by the act of July 15, 1870.

## CONNECTICUT

Ratified the Constitution January 9, 1788. Population at the time of ratification, 238,141; in 1870, 537,454.

Area, 4,750 square miles.

## MASSACHUSETTS

Ratified the Constitution February 6, 1788. Population at the time of ratification, 378,787; in 1870, 1,457,351.

Area, 7,800 square miles.

## MARYLAND

Ratified the Constitution April 28, 1788. Population at the time of ratification, 319,728; in 1870, 780,894.

Area, 11,124 square miles.

## SOUTH CAROLINA

Ratified the Constitution May 23, 1788. Population at the time of ratification, 249,073; in 1870, 705,606.

Area, 34,000 square miles.

Passed an ordinance of secession December 20, 1860.

The State again admitted to representation in Congress, upon ratifying the fourteenth amendment to the Constitution, by the act of June 25, 1868.

Ratified the fourteenth amendment July 9, 1868.

## NEW HAMPSHIRE

Ratified the Constitution June 21, 1788. Population at the time of ratification, 141,899; in 1870, 318,300.

Area, 9,280 square miles.

## VIRGINIA

Ratified the Constitution June 26, 1788. Population at the time of ratification, 747,610; in 1870, 1,225,163.

The area of this State when she ratified the Constitution of the United States was 61,352 square miles. Her present area, in consequence of the erection out of her territory of the State of West Virginia, is 38,352 square miles.

Passed an ordinance of secession April 17, 1861.

The State again admitted to representation in Congress by the act of January 26, 1870.

NEW YORK

Ratified the Constitution July 26, 1788. Population at the time of ratification, 340,120; in 1870, 4,387,464.

Area, 47,000 square miles.

NORTH CAROLINA

Ratified the Constitution November 21, 1789. Population at the time of ratification, 393,751; in 1870, 1,071,361.

Area, 50,704 square miles.

Passed an ordinance of secession May 21, 1861.

The State again admitted to representation in Congress, upon ratifying the fourteenth amendment to the Constitution, by the act of June 25, 1868.

Ratified the fourteenth amendment July 4, 1868.

RHODE ISLAND

Ratified the Constitution May 29, 1790. Population at the time of ratification, 68,825; in 1870, 217,353.

Area, 1,306 square miles.

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STATES ADMITTED INTO THE UNION SINCE THE  
ADOPTION OF THE CONSTITUTION.

VERMONT.

This State, which formed part originally of the State of New York, was admitted by act of Congress approved February 18, 1791, to come into the Union on the 4th of March, 1791, "as a new and entire member of the United States of America."

The population of Vermont at the time of her admission was 85,539; in 1870, 330,551.

Area, 10,212 square miles.

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## KENTUCKY.

This State was formed out of territory within the jurisdiction of the Commonwealth of Virginia; and was admitted by act of Congress approved February 4, 1791, to come into the Union on the 1st day of June, 1792, "as a new and entire member of the United States of America."

The population of Kentucky at the time of her admission was 73,677; in 1870, 1,321,011.

Area, 37,680 square miles.

## TENNESSEE.

This State was formed out of territory ceded to the United States by North Carolina, the terms of the acceptance binding the United States to lay out into one or more States the territory ceded. The whole territory was made one State, and declared to be one of the United States of America, on an equal footing with the original States in all respects whatever, by act of Congress approved June 1, 1796.

The population of Tennessee at the time of her admission was 77,262; in 1870, 1,258,520.

Area, 45,600 square miles.

Passed an ordinance of secession May 6, 1861.

The State again admitted to representation in Congress by joint resolution of July 24, 1866.

## OHIO.

This State was formed out of a portion of the territory northwest of the Ohio River which was ceded to the United States in 1784 by the general assembly of Virginia. By "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," approved April 30, 1802, the people of that territory were authorized, upon certain conditions, to form a constitution and State government; and the people of the eastern division of the territory northwest of the river Ohio having, on the 29th day of November, 1802, formed for themselves a constitution and State

government, and the same having been presented to the Congress, they were declared, by an act approved February 19, 1803, to have become one of the United States on that day, namely, the 29th day of November, 1802.

The population of Ohio at the time of her admission was 41,915; in 1870, 2,665,260.

Area, 39,964 square miles.

#### LOUISIANA.

This State was formed out of a part of the territory ceded to the United States by France by the treaty of Paris of April, 1803. On the 31st of October, 1803, an act passed to enable the President of the United States to take possession of the ceded territory, and a temporary government established over it. By an act passed March 26, 1804, Louisiana was divided into two Territories: one to be called the Territory of Orleans, the other the District of Louisiana; and provision was made for the establishment of temporary governments therein.

On the 20th February, 1811, an act passed to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into the Union; and the constitution adopted by the representatives of the people of "all that part of the territory or country ceded under the name of Louisiana by the treaty made at Paris on the 30th day of April, 1803," under the said enabling act, having been previously transmitted to, and approved by, Congress, an act for the admission of the State of Louisiana into the Union was passed on the 8th of April, 1812; and she was declared thereby to be one of the United States of America, and admitted into the Union on an equal footing with the original States.

The population of Louisiana at the time of her admission was 76,556; in 1870, 726,965.

Area, 41,346 square miles.

Passed an ordinance of secession January 26, 1861.

The State again admitted to representation in Congress, upon ratifying the fourteenth amendment to the Constitution, by the act of June 25, 1868.

Ratified the fourteenth amendment July 9, 1868.



## INDIANA.

This State was formed out of a part of the territory ceded to the United States by the general assembly of Virginia in 1784.

On the 19th of April, 1816, an act passed to enable the people of the Territory of Indiana to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

On the 11th of December, 1816, a joint resolution passed declaring the State of Indiana to be one of the United States, and admitted into the Union.

The population of Indiana at the time of her admission was 63,897; in 1870, 1,680,637.

Area, 33,809 square miles.

## MISSISSIPPI.

This State was formed out of territory ceded to the United States by the States of South Carolina and Georgia.

On the 1st of March, 1817, an act passed to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

On the 10th of December, 1817, a joint resolution passed for the admission of the State of Mississippi into the Union.

The population of Mississippi at the time of her admission was 75,512; in 1870, 827,922.

Area, 47,156 square miles.

Passed an ordinance of secession January 9, 1861.

The State again admitted to representation in Congress by the act of February 23, 1870.

## ILLINOIS.

This State was formed out of a part of the territory ceded to the United States by Virginia in 1784.

On the 18th of April, 1818, an act passed to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

On the 3d of December, 1818, a joint resolution passed declaring the admission of the State of Illinois into the Union.

The population of Illinois at the time of her admission was 34,620; in 1870, 2,539,891.

Area, 55,410 square miles.

ALABAMA.

This State was formed out of territory ceded to the United States by South Carolina and Georgia.

On the 2d of March, 1819, an act passed to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

On the 14th of December, 1819, a joint resolution passed declaring the admission of the State of Alabama into the Union.

The population of Alabama at the time of her admission was 144,317; in 1870, 996,992.

Area, 50,722 square miles.

Passed an ordinance of secession January 11, 1861.

The State again admitted to representation in Congress upon ratifying the fourteenth amendment to the Constitution, by the act of June 25, 1868.

Ratified the fourteenth amendment July 13, 1868.

MAINE.

This State at one time formed part of the State of Massachusetts; and, with the consent of that State, signified by an act of its legislature passed on the 19th of June, 1819, the people of the District of Maine formed themselves into an independent State, and established a constitution for the government of the same.

On the 3d of March, 1820, an act passed for the admission of the State of Maine into the Union, which act provided that from and after the 15th day of March, 1820, the State of Maine is declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States.

The population of Maine at the time of her admission was 298,335; in 1870, 626,915.

Area, 35,000 square miles.

## MISSOURI.

This State was formed out of a portion of the territory ceded by France, under the name of "Louisiana," to the United States by the treaty of Paris, of 1803.

On the 6th of March, 1820, an act passed to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories.

On the 2d of March, 1821, a joint resolution passed for the admission of the State of Missouri into the Union, on a certain condition; and the State was admitted by proclamation of the President of the United States, August 10, 1821.

The population of Missouri at the time of her admission was 66,586; in 1870, 1,721,295.

Area, 65,350 square miles.

## ARKANSAS.

This State was formed out of a portion of the Louisiana Territory ceded to the United States by France, in 1803.

The people of the Territory of Arkansas, by a convention of delegates, on the 30th of January, 1836, formed a constitution and State government, without an enabling act of Congress, and applied for admission as a State into the Union.

On the 15th of June, 1836, an act passed for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws within the same.

The population of Arkansas at the time of her admission was 52,240; in 1870, 484,167.

Area, 52,198 square miles.

Passed an ordinance of secession May 6, 1861.

The State again admitted to representation in Congress by the act of June 22, 1868.

## MICHIGAN.

This State was formed out of a portion of the territory northwest of the Ohio River ceded to the United States by Virginia in 1784.

On the 15th of June, 1836, an act passed to establish the northern

boundary line of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed.

On the 26th of January, 1837, an act passed to admit the State into the Union, she having complied with the terms of the act of June, 1836, in regard to boundaries. There was no enabling act prior to the admission of this State.

The population of Michigan at the time of her admission was 200,000; in 1870, 1,184,059.

Area, 56,451 square miles.

FLORIDA.

This State was formed out of the territory ceded to the United States by Spain by the treaty of 1819.

On the 3d of March, 1845, an act passed for the admission of the States of Iowa and Florida into the Union. By this act Florida was declared to be one of the United States, and as such admitted into the Union. In regard to the State of Iowa certain conditions imposed by the act had the effect to postpone her admission to a time subsequent to the date of the above mentioned act.

The population of Florida at the time of her admission was 54,477; in 1870, 187,748.

Area, 59,268 square miles.

Passed an ordinance of secession January 11, 1861.

The State again admitted to representation in Congress upon ratifying the fourteenth amendment to the Constitution, by the act of June 25, 1868.

Ratified the fourteenth amendment June 9, 1868.

TEXAS.

This State originally formed part of the Republic of Mexico; but by a successful revolt the people achieved their independence, and established for themselves a republican government.

On the 1st of March, 1845, a joint resolution passed for annexing Texas to the United States, and on the 29th of December, 1845, a joint resolution passed admitting her into the Union as a State.

The population of Texas at the time of her admission was 250,000; in 1870, 818,579.

Area, 274, 356 square miles.

Passed an ordinance of secession February 1, 1861.

The State again admitted to representation in Congress by the act of March 30, 1870.

#### IOWA.

On the 3d of March, 1845, an act passed for the admission of the States of Iowa and Florida into the Union. By this act certain conditions were annexed to the admission of the State of Iowa, the effect of which was to postpone that admission until the 28th of December, 1846, when an act passed declaring her to be one of the United States, and admitted into the Union.

The population of Iowa at the time of her admission was 81,920; in 1870, 1,191,792.

Area, 55,045 square miles.

#### WISCONSIN.

On the 6th of August, 1846, an act passed to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union.

On the 3d of March, 1847, an act passed for the admission of the State of Wisconsin into the Union. In this act certain conditions were annexed to her admission, the effect of which was to postpone that act until the 29th of May, 1848; when she was by act of Congress admitted into and declared to be one of the States of the Union.

The population of Wisconsin at the time of her admission was 210,596; in 1870, 1,054,670.

Area, 53,924 square miles.

#### CALIFORNIA.

This State was formed out of the territory acquired by the United States from Mexico by the treaty of Guadalupe-Hidalgo, of February 2, 1848; and was admitted as a State into the Union by the act of September 9, 1850.

The population of California at the time of her admission was 107,000; in 1870, 560,247.

Area, 188,981 square miles.

**MINNESOTA.**

This State was formed out of a portion of the territory ceded to the United States by France in 1803.

On the 26th of February, 1857, an act passed to authorize the people of the Territory of Minnesota to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States.

On the 11th of May, 1858, an act passed for the admission of the State of Minnesota into the Union.

The population of Minnesota at the time of her admission was 150,042; in 1870, 439,706.

Area, 83,531 square miles.

**OREGON.**

On the 14th of August, 1848, an act passed to establish a territorial government for the Territory of Oregon, and on the 14th of February, 1859, an act passed for her admission into the Union.

The population of Oregon at the time of her admission was 52,465; in 1870, 90,923.

Area, 95,274 square miles.

**KANSAS.**

On the 4th of May, 1858, an act passed for the admission of the State of Kansas into the Union. This act declared the ordinance adopted by the convention assembled at Lecompton, November 7, 1857, for the formation of a constitution and State government, asserting the right of Kansas, when admitted as a State, to tax the lands within her limits belonging to the United States, and proposing to relinquish that right upon certain conditions, to be unacceptable to Congress, and submitted to the people of Kansas certain proposed changes in the said ordinance for their acceptance or rejection.

On the 29th of January, 1861, another act passed for the admission

of Kansas into the Union, reciting that the convention assembled at Wyandotte, July 29, 1859, having formed a constitution and State government republican in form, and the same having been ratified by the people of Kansas, the State was declared admitted into the Union upon an equal footing with the original States.

The population of Kansas at the time of her admission was 107,206; in 1870, 364,399.

Area, 81,318 square miles.

#### WEST VIRGINIA.

This State constituted, until its admission as a State into the Union, a part of the State of Virginia.

On the 29th of May, 1862, a certified copy of the constitution and schedule as proposed by the convention at Wheeling, in November, 1861, for the State of West Virginia, was presented to the Senate.

On the 31st of May the memorial of the commissioners appointed by that convention, praying the admission of the State of West Virginia into the Union, was also presented to the Senate.

On the 31st of December, 1862, an act passed for the admission of the State of West Virginia into the Union, and for other purposes.

The recitals of this act set forth that the people inhabiting that portion of Virginia known as West Virginia did, by a convention assembled at Wheeling on the 26th of November, 1861, frame a constitution with a view of becoming a separate and independent State; that this constitution was submitted to and adopted by the qualified voters of the proposed State; that the legislature of the State of Virginia, by an act passed May 13, 1862, gave its consent to the formation, within its jurisdiction, of the said State; that both the convention and legislature before referred to, having requested that the new State be admitted into the Union, and Congress having consented to the same, the State of West Virginia was thereupon declared to be one of the United States, and admitted into the Union on an equal footing with the original States, on the 31st of December, 1862.

The population of West Virginia at the time of her admission was 376,683; in 1870, 442,014.

Area, 23,000 square miles.

NEVADA.

On the 21st of March, 1864, an act passed to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States.

On the 31st of October, 1864, the President of the United States issued his proclamation declaring the State of Nevada admitted into the Union.

The population of Nevada at the time of her admission was 6,857; in 1870, 42,491.

Area, 112,090 square miles.

NEBRASKA.

On the 19th of April, 1864, an act passed to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

On the 9th of February, 1867, an act passed for the admission of the State of Nebraska into the Union. This act prescribed a certain fundamental condition upon which the State should be admitted; the performance whereof by the said State was to be certified to the President of the United States; and when so certified, the President was required to make proclamation thereof and declare the State of Nebraska admitted into the Union.

On the 1st of March, 1867, the President of the United States issued his proclamation declaring that the fundamental condition imposed by the act of 19th April, 1864, had been complied with by the legislature of Nebraska, and that the admission of the said State into the Union was thereupon complete.

The population of Nebraska at the time of her admission was estimated at 60,000; in 1870, 122,993.

Area, 75,995 square miles.

COLORADO.

Colorado was organized under a territorial form of government by



an act of Congress approved February 28, 1861, to provide a temporary government for the Territory of Colorado.

On the 3d of March, 1875, an act was passed to enable the people of Colorado to form a constitution and State government and for the admission of said State into the Union upon an equal footing with the original States.

This act prescribed the conditions upon which the State of Colorado should be admitted into the Union, and made it the duty of the President of the United States, upon receiving the certificate of the acting governor, that the same had been in all respects complied with, to issue his proclamation, declaring the State admitted into the Union, upon an equal footing with the original States, without any further action of Congress.

In accordance with the provisions of the act aforesaid, the President of the United States did, on the first day of August, 1876, issue his proclamation declaring and proclaiming the fact that the fundamental conditions imposed by Congress upon the State of Colorado to entitle that State to admission into the Union had been ratified and accepted; and that the admission of the said State into the Union was then complete.

The population of Colorado at the time of her admission was estimated at about 150,000.

Area, 104,500 square miles.

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## ORGANIZATION OF THE TERRITORIES.

[THE POPULATION OF THE TERRITORIES HERE GIVEN IS TAKEN FROM  
A REPORT OF THE SUPERINTENDENT OF THE NINTH CENSUS, OF THE  
DATE DECEMBER 26, 1871.]

### NEW MEXICO.

Organized by an act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish

a territorial government for New Mexico, approved September 9, 1850.

Population in 1870, 111,303.

Area, 121,201 square miles.

UTAH.

Organized by an act to establish a territorial government for Utah, approved September 9, 1850.

Population in 1870, 99,581.

Area, 84,476 square miles.

WASHINGTON.

Organized by an act to establish the territorial government of Washington, approved March 2, 1853.

Population in 1870, 37,432.

Area, 69,994 square miles.

DAKOTA.

Organized by an act to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein, approved March 2, 1861.

Population in 1870, 40,501.

Area, 150,932 square miles.

ARIZONA.

Organized by an act to provide a temporary government for the Territory of Arizona and for other purposes, approved February 24, 1863.

Population in 1870, 41,710.

Area, 113,916 square miles.

IDAHO.

Organized by an act to provide a temporary government for the Territory of Idaho, approved March 3, 1863.

Population in 1870, 20,583.

Area, 86,294 square miles.

## MONTANA.

Organized by an act to provide a temporary government for the Territory of Montana, approved May 26, 1864.

Population in 1870, 39,895.

Area, 143,776 square miles.

## WYOMING.

Organized by an act to provide a temporary government for the Territory of Wyoming, approved July 25, 1868.

Population in 1870, 11,518.

Area, 97,883 square miles.

## ALASKA.

Acquired by treaty from Russia in 1867. No territorial government as yet established by law.

On the 27th of July, 1868, an act passed to extend the laws relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes.

On the 22d of April, 1874, Congress authorized the Secretary of the Treasury to appoint a special agent to collect authentic information in relation to the fur trade in Alaska, and in the same act directed the Secretary of the Navy to detail an officer of the Navy to act in connection with the agent of the Treasury Department in procuring the information desired.

Population in 1870, 70,461.

Area, 577,390 square miles.

## DISTRICT OF COLUMBIA.

The Constitution [*Art. I, sec. 8, clause 17,*] gave to Congress power to exercise exclusive legislation in all cases whatsoever over such District, not exceeding ten miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

The State of Maryland, by an act of her legislature passed December 23, 1788, ceded to Congress a district of land on the east bank of the river Potomac, for a seat of government; and the State of Virginia, by an act of her legislature passed December 3, 1789, also made a cession of land on the west bank of that river for the same purpose.

These cessions were accepted by Congress, and on the 16th of July, 1790, an act was passed establishing the temporary and permanent seat of the Government of the United States.

Upon the lands thus ceded by the States of Maryland and Virginia and accepted by Congress, a district of ten miles square was located; the lines and boundaries of which having been established by a proclamation of George Washington, President of the United States, issued on the 30th of March, 1791, Congress, by "An act concerning the District of Columbia," approved February 17, 1801, assumed complete jurisdiction over the said District.

On the 3d of February, 1846, the legislature of Virginia passed an act accepting, by the State of Virginia, the county of Alexandria, in the District of Columbia, when the same shall be receded by the Congress of the United States; and on the 9th of July, 1846, an act of Congress passed to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia.

So that the portion of the District located upon the land ceded by Virginia, having been retroceded to that State, the District of Columbia has been, since the act of retrocession, embraced within the county of Washington, which includes the cities of Washington and Georgetown.

The municipal government of the District, since the retrocession of the county of Alexandria to the State of Virginia, has rested upon charters granted from time to time by Congress to the cities of Washington and Georgetown; these continued in force until the 1st day of June, 1871, when they were repealed by an act to provide a government for the District of Columbia, approved February 21, 1871.

This act, which established in the District of Columbia a territorial form of government, consisting of a governor and certain other officers appointed by the President, by and with the advice and consent of the Senate, and a Delegate in Congress, and other municipal officers elected by the people, was, in turn, repealed by an act passed June 30, 1874, which placed the government of the District in the hands of three commissioners to be appointed by the President, by and with the advice and consent of the Senate, which is the present form of the government of the District.

The population in 1870, 131,700.

Area, about 60 square miles.

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APPORTIONMENT OF REPRESENTATIVES  
AMONG  
THE SEVERAL STATES  
FROM THE  
COMMENCEMENT OF THE GOVERNMENT  
TO  
THE PRESENT TIME.

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APPORTIONMENT OF REPRESENTATIVES AMONG THE  
SEVERAL STATES FROM THE COMMENCEMENT OF  
THE GOVERNMENT TO THE PRESENT TIME.

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APPORTIONMENT OF REPRESENTATIVES BY THE CONSTITUTION IN  
1789.

The first apportionment of Representatives among the several States, as well as the ratio of representation, was fixed by the Constitution of the United States, [*Art. I, sec. 2, cl. 3,*] in the following words :

“The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.”

Thirteen States—Sixty-five Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE  
FIRST CENSUS—1790.

The second apportionment of Representatives among the several States, and following that fixed by the Constitution, was under the act of April 14, 1792, and according to the census of 1790. This act fixed the ratio at one Representative for every thirty-three thou-



sand persons, and under it the States were entitled to Representatives as follows :

New Hampshire ....	4	New York .....	10	Virginia .....	19
Massachusetts .....	14	New Jersey .....	5	Kentucky .....	2
Vermont .....	2	Pennsylvania .....	13	North Carolina .....	10
Rhode Island .....	2	Delaware .....	1	South Carolina .....	6
Connecticut .....	7	Maryland .....	8	Georgia .....	2

Fifteen States—One hundred and five Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE SECOND  
CENSUS—1800.

The third apportionment of Representatives among the several States was under the act of January 14, 1802, and according to the census of 1800. By this act the ratio was fixed at one Representative for every thirty-three thousand persons. Under this apportionment the States were entitled to Representatives as follows :

New Hampshire 5	Connecticut . 7	Delaware ... 1	South Carolina. 8
Massachusetts .. 17	New York.. 17	Maryland ... 9	Georgia ..... 4
Vermont ..... 4	New Jersey.. 6	Virginia . . . 22	Kentucky ..... 6
Rhode Island... 2	Pennsylvania 18	N'th Carolina 12	Tennessee..... 3

Sixteen States—One hundred and forty-one Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE THIRD  
CENSUS—1810.

The fourth apportionment of Representatives was under the act of December 21, 1811, and according to the census of 1810. This act fixed the ratio at one Representative for every thirty-five thousand persons, and apportioned the Representatives among the several States as follows :

New Hampshire 6	New York.. 27	Maryland ... 9	Georgia ..... 6
Massachusetts .. 20	New Jersey.. 6	Virginia.... 23	Kentucky ..... 10
Vermont ..... 6	Pennsylvania 23	N'th Carolina 13	Ohio..... 6
Rhode Island... 2	Delaware ... 2	S'th Carolina 9	Tennessee..... 6
Connecticut.... 7			

Seventeen States—One hundred and eighty-one Representatives.

APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE FOURTH  
CENSUS—1820.

The fifth apportionment of Representatives among the several States was under the act of March 7, 1822, and according to the census of 1820. By this act the ratio was fixed at one Representative for every forty thousand persons, and gave to each of the States Representatives as follows:

Maine .....	7	New York..	34	N'th Carolina	13	Tennessee.....	9
New Hampshire	6	New Jersey.	6	S'th Carolina	9	Kentucky. ....	12
Massachusetts..	13	Pennsylvania	26	Georgia.....	7	Ohio.....	14
Rhode Island...	2	Delaware...	1	Alabama....	2	Indiana.....	3
Connecticut ....	6	Maryland...	9	Mississippi..	1	Illinois.....	1
Vermont.....	5	Virginia.....	22	Louisiana...	3	Missouri.....	1

Twenty-four States—Two hundred and twelve Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE FIFTH  
CENSUS—1830.

The sixth apportionment of Representatives among the several States was made in pursuance of the act of May 22, 1832, and according to the census of 1830. This act fixed the ratio at one Representative for every forty-seven thousand seven hundred persons, and apportioned the Representatives among the several States as follows:

Maine .....	8	New York..	40	N'th Carolina	13	Indiana .....	7
New Hampshire	5	New Jersey.	6	S'th Carolina	9	Mississippi ....	2
Massachusetts..	12	Pennsylvania	28	Georgia.....	9	Illinois.....	3
Rhode Island...	2	Delaware...	1	Kentucky...	13	Louisiana.....	3
Connecticut ....	6	Maryland...	8	Tennessee....	13	Missouri.....	2
Vermont.....	5	Virginia....	21	Ohio.....	19	Alabama.....	5

Twenty-four States—Two hundred and forty Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE SIXTH  
CENSUS—1840.

The seventh apportionment of Representatives among the several States was made under the act of June 25, 1842, and according to the

census of 1840. This act fixed the ratio at one Representative for every seventy thousand six hundred and eighty persons, and one additional Representative for each State having a fraction greater than one moiety of that number. Under this apportionment the States were, severally, entitled to Representatives as follows :

Maine .....	7	New Jersey..	5	Georgia.....	8	Ohio.....	21
New Hampshire	4	Pennsylvania	24	Alabama ....	7	Indiana .....	10
Massachusetts..	10	Delaware ...	1	Louisiana ...	4	Illinois.....	7
Rhode Island...	2	Maryland ...	6	Mississippi..	4	Missouri .....	5
Connecticut ....	4	Virginia ...	15	Tennessee... 11	Arkansas.....	1	
Vermont .....	4	N'th Carolina	9	Kentucky ...	10	Michigan.....	3
New York.....	34	S'th Carolina	7				

Twenty-six States—Two hundred and twenty-three Representatives.

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APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE SEVENTH  
CENSUS—1850.

The eighth apportionment of Representatives among the several States was made under the act of May 23, 1850. This act made provision for taking the seventh *and every subsequent* census of the United States, and was designed to supersede the necessity of further legislation by Congress upon that subject. It fixed the number of members composing the House of Representatives; making that body to consist of two hundred and thirty-three members; upon which number the ratio of representation was to be calculated and the apportionment of Representatives among the States to be made. This ratio gave to each State one Representative for every ninety-three thousand four hundred and twenty persons. The Representatives were apportioned among the States in the following manner :

Maine .....	6	Pennsylvania	25	Tennessee ..	10	Arkansas.....	2
New Hampshire	3	Delaware... 1		Ohio .....	21	Michigan.....	4
Massachusetts..	11	Maryland ...	6	Louisiana... 4		Florida .....	1
Rhode Island...	2	Virginia.....	13	Mississippi..	5	Texas.....	2
Connecticut ....	4	N'th Carolina	8	Indiana .....	11	Iowa .....	2
Vermont .....	3	S'th Carolina	6	Illinois... ..	9	Wisconsin....	3
New York.....	33	Georgia.....	8	Alabama ....	7	California .....	2
New Jersey.....	5	Kentucky ...	10	Missouri ....	7		

Thirty-one States—Two hundred and thirty-four Representatives.

APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE EIGHTH  
CENSUS—1860.

The ninth apportionment of Representatives among the several States was made, like the one preceding, under the provisions of the act of May 23, 1850, the ratio of representation being calculated upon the basis of two hundred and thirty-three members to the House of Representatives, as fixed by that act. This yielded a ratio, according to the census of 1860, of one Representative for every one hundred and twenty-six thousand eight hundred and forty persons; and Representatives were apportioned among the several States accordingly.

After this apportionment had been made, the number of members composing the House of Representatives, as fixed by the act of 1850, was changed by an act passed March 4, 1862, from two hundred and thirty-three to two hundred and forty-one, giving one additional Representative to each of the following States: Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island. This increase in the number of Representatives went into effect after the 3d of March, 1863, at the Thirty-eighth Congress, when their apportionment among the States was as follows:

Maine . . . . . 5	Delaware . . . 1	Louisiana . . . 5	Florida . . . . . 1
New Hampshire 3	Maryland . . . 5	Mississippi . . 5	Texas . . . . . 4
Massachusetts . 10	Virginia . . . 11	Indiana . . . 11	Iowa . . . . . 6
Rhode Island . . 2	N'th Carolina 7	Illinois . . . 14	Wisconsin . . . 6
Connecticut . . . 4	S'th Carolina 4	Alabama . . . 6	California . . . 3
Vermont . . . . . 3	Georgia . . . . 7	Missouri . . . 9	Minnesota . . . 2
New York . . . . 31	Kentucky . . . 9	Arkansas . . . 3	Oregon . . . . . 1
New Jersey . . . 5	Tennessee . . . 8	Michigan . . . 6	Kansas . . . . . 1
Pennsylvania . . 24	Ohio . . . . . 19		

Thirty-four States—Two hundred and forty-one Representatives.

APPORTIONMENT OF REPRESENTATIVES ACCORDING TO THE NINTH  
CENSUS—1870.

The tenth apportionment of Representatives among the several States was made by an act passed February 2, 1872. This act again changed the number composing the House of Representatives,

making it to consist, from and after the 3d of March, 1873, of two hundred and eighty-three members. The ratio of representation to meet the apportionment made by this act would be one Representative to about every one hundred and thirty-six thousand persons. But this was again changed by an act passed May 30, 1872, at the same session of Congress, adding nine more members to the House of Representatives, making it to consist of two hundred and ninety-two members, for which the ratio is, according to the census of 1870, one Representative to about every one hundred and thirty-one thousand four hundred persons.

The apportionment of Representatives among the States under these two acts is as follows :

Maine .....	5	Maryland ...	6	Tennessee... 10	Wisconsin ...	8
New Hampshire	3	Virginia.....	9	Indiana ..... 13	California.....	4
Vermont .....	3	N'th Carolina	8	Illinois .... 19	Minnesota ....	3
Massachusetts ..	11	S'th Carolina	5	Missouri .... 13	Oregon .....	1
Rhode Island...	2	Georgia .....	9	Michigan.... 9	Kansas .....	3
Connecticut ....	4	Alabama ....	8	Arkansas.... 4	West Virginia .	3
New York .....	33	Mississippi ..	6	Florida ..... 2	Nevada .....	1
New Jersey ....	7	Louisiana ...	6	Texas .. .... 6	Nebraska .....	1
Pennsylvania ...	27	Ohio .....	20	Iowa .....	9	Colorado..... 1
Delaware .....	1	Kentucky ...	10			

Thirty-eight States—Two hundred and ninety-three Representatives.\*

*Apportionment of Representatives by decades.*

Apportionments.	Ratio of representation.	Number of States.	Number of Representatives.	Date of act of apportionment.
1. Constitution, 1789.....	1 to 30,000	13	65	
2. Census of 1790.....	1 to 33,000	15	105	Apr. 14, 1792
3. Census of 1800.....	1 to 33,000	16	141	Jan. 14, 1802
4. Census of 1810.....	1 to 35,000	17	181	Dec. 21, 1811
5. Census of 1820.....	1 to 40,000	24	212	Mar. 7, 1822
6. Census of 1830.....	1 to 47,700	24	240	May 22, 1832
7. Census of 1840.....	1 to 70,680	26	223	June 25, 1842
8. Census of 1850.....	1 to 93,420	31	234	May 23, 1850
9. Census of 1860.....	1 to 126,840	34	241 }	May 23, 1850
				Mar. 4, 1862
10. Census of 1870.....	1 to 131,400	37	292 }	Feb. 2, 1872
				May 30, 1872

\* The admission of Colorado made the number of States *thirty-eight* and the number of Representatives *two hundred and ninety-three*. Colorado was admitted August 1, 1876.

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ELECTORAL VOTES

FOR

PRESIDENT AND VICE-PRESIDENT

FROM

MARCH 4, 1789, TO MARCH 4, 1877.

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The apportionment of Representatives among the States under these two acts is as follows :

Maine .....	5	Maryland ...	6	Tennessee... 10	Wisconsin ...
New Hampshire	3	Virginia.....	9	Indiana ..... 13	California .....
Vermont .....	3	N'th Carolina	8	Illinois .... 19	Minnesota ....
Massachusetts ..	11	S'th Carolina	5	Missouri .... 13	Oregon .....
Rhode Island...	2	Georgia .....	9	Michigan.....	Kansas .....
Connecticut ....	4	Alabama ....	8	Arkansas....	West Virginia .
New York .....	33	Mississippi ..	6	Florida .....	Nevada .....
New Jersey ....	7	Louisiana ...	6	Texas .....	Nebraska .....
Pennsylvania ...	27	Ohio .....	20	Iowa .....	Colorado .....
Delaware .....	1	Kentucky ...	10		

Thirty-eight States—Two hundred and ninety-three Representatives.\*

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ELECTORAL VOTES

FOR

PRESIDENT AND VICE-PRESIDENT

FROM

MARCH 4, 1789, TO MARCH 4, 1877.

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**ELECTORAL VOTES FOR PRESIDENT AND VICE-PRESIDENT FROM MARCH 4, 1789, TO MARCH 4, 1877.**

ELECTION FOR THE FIRST TERM, 1789-1793.

*George Washington, President; John Adams, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.									
		George Washington, esq.	John Adams, esq.	Samuel Huntington, esq.	John Jay, esq.	John Hancock, esq.	Robert H. Harrison, esq.	George Clinton, esq.	John Rutledge, esq.	John Milton, esq.
5	New Hampshire .....	5	5							
10	Massachusetts .....	10	10							
7	Connecticut .....	7	5	2						
6	New Jersey .....	6	4	5	5					
10	Pennsylvania .....	10	8			2				
3	Delaware .....	3			3					
6	Maryland .....	6				6				
10	Virginia .....	10	5		1	1		3		
7	South Carolina .....	7				1			6	
5	Georgia .....	5								2
										1
69	.....	69	34	2	9	4	6	3	6	2
										1
										1

Whereby it appears that

GEORGE WASHINGTON, esq., was unanimously elected President, and

JOHN ADAMS, esq., was duly elected Vice-President of the United States of America.

## ELECTION FOR THE SECOND TERM, 1793-1797.

*George Washington, President; John Adams, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	George Washington, of Virginia.	John Adams, of Massachusetts.	George Clinton, of New York.	Thomas Jefferson, of Virginia.	Aaron Burr, of New York.
6	New Hampshire .....	6	6	.....	.....	.....
16	Massachusetts .....	16	16	.....	.....	.....
4	Rhode Island .....	4	4	.....	.....	.....
9	Connecticut .....	9	9	.....	.....	.....
3	Vermont .....	3	3	.....	.....	.....
12	New York .....	12	.....	12	.....	.....
7	New Jersey .....	7	7	.....	.....	.....
15	Pennsylvania .....	15	14	1	.....	.....
8	Delaware .....	8	3	.....	.....	.....
21	Maryland .....	21	8	.....	.....	.....
4	Virginia .....	4	.....	21	.....	.....
12	Kentucky .....	12	.....	.....	4	.....
8	North Carolina .....	8	7	12	.....	.....
4	South Carolina .....	4	.....	4	.....	.....
.....	Georgia .....	.....	.....	.....	.....	.....
132	.....	132	77	50	4	.....

Whereupon

The Vice-President declared GEORGE WASHINGTON unanimously elected President of the United States for the period of four years, to commence with the 4th of March next; and

JOHN ADAMS elected, by a plurality of votes, Vice-President of the United States for the same period, to commence with the 4th of March next.

## ELECTION FOR THE THIRD TERM, 1797-1801.

*John Adams, President; Thomas Jefferson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	John Adams, of Massachusetts.	Thomas Jefferson, of Virginia.	Thomas Pinckney, of South Carolina.	Aaron Burr, of New York.	Samuel Adams, of Massachusetts.	O. Ellsworth, of Connecticut.	John Jay, of New York.	George Clinton, of New York.	S. Johnston, of North Carolina.	James Iredell, of North Carolina.	George Washington, of Virginia.	C. C. Pinckney, of South Carolina.	John Henry, of Maryland.
3	Tennessee .....	3	..	3	..	..	..	..	..	..	..	..	..	..
4	Kentucky .....	4	..	4	..	..	..	..	..	..	..	..	..	..
4	Georgia .....	4	..	..	..	..	..	..	4	..	..	..	..	..
8	South Carolina .....	8	..	8	..	..	..	..	..	..	..	..	..	..
12	North Carolina .....	11	1	6	..	..	..	..	..	..	3	1	1	..
21	Virginia .....	20	1	15	..	..	..	3	..	..	..	..	..	..
11	Maryland .....	7	4	4	3	15	..	..	..	..	..	1	..	2
3	Delaware .....	3	..	3	..	..	..	..	..	..	..	..	..	..
15	Pennsylvania .....	14	2	13	..	..	..	..	..	..	..	..	..	..
7	New Jersey .....	7	..	7	..	..	..	..	..	..	..	..	..	..
12	New York .....	12	..	12	..	..	..	..	..	..	..	..	..	..
9	Connecticut .....	9	..	4	..	..	5	..	..	..	..	..	..	..
4	Rhode Island .....	4	..	..	..	4	..	..	..	..	..	..	..	..
16	Massachusetts .....	16	..	13	..	1	..	..	2	..	..	..	..	..
4	Vermont .....	4	..	4	..	..	..	..	..	..	..	..	..	..
6	New Hampshire .....	6	..	..	..	6	..	..	..	..	..	..	..	..
139	.....	71	68	59	30	15	11	5	7	2	3	2	1	2

Whereupon, the Vice-President addressed the two houses of Congress as follows:

"In obedience to the Constitution and law of the United States, and to the commands of both houses of Congress, expressed in their resolution passed in the present session, I now declare that

"JOHN ADAMS is elected President of the United States for four years, to commence with the 4th day of March next; and that

"THOMAS JEFFERSON is elected Vice-President of the United States for four years, to commence with the 4th day of March next."

## ELECTION FOR THE FOURTH TERM, 1801-1805.

*Thomas Jefferson, President; Aaron Burr, Vice-President.*

Statement of the vote :

No. of electors appointed by each State.	State.	Thomas Jefferson, of Virginia.	Aaron Burr, of New York.	John Adams, of Massachusetts.	Charles C. Pinckney, of South Carolina.	John Jay, of New York.
6	New Hampshire .....	.....	.....	6	6	.....
16	Massachusetts .....	.....	.....	16	16	.....
4	Rhode Island .....	.....	.....	4	4	.....
4	Connecticut .....	.....	.....	4	4	.....
4	Vermont .....	.....	.....	4	4	.....
12	New York .....	12	12	.....	.....	.....
7	New Jersey .....	.....	.....	7	7	.....
15	Pennsylvania .....	.....	8	.....	.....	.....
3	Delaware .....	.....	.....	3	3	.....
10	Maryland .....	.....	.....	5	5	.....
21	Virginia .....	21	21	.....	.....	.....
4	Kentucky .....	.....	.....	4	4	.....
12	North Carolina .....	.....	.....	.....	.....	.....
3	Tennessee .....	.....	.....	4	4	.....
3	South Carolina .....	.....	.....	.....	.....	.....
4	Georgia .....	.....	4	.....	.....	.....
138	.....	73	73	65	64	1

Whereupon,

The Vice-President declared—

That the whole number of electors who had voted were one hundred and thirty-eight, of which number THOMAS JEFFERSON and AARON BURR had a majority; but, the number of those voting for them being equal, no choice was made by the people, and that, consequently, the remaining duties devolve on the House of Representatives.

The two houses then separated; and the House of Representatives, being returned to their chamber, proceeded in the manner prescribed by the Constitution to ballot by States for the choice of a President of the United States.

The balloting commenced on the 11th of February, 1801, and continued from day to day, Sundays excepted, until the 17th of

February, 1801; when, upon the conclusion of the *thirty-sixth* ballot, the Speaker announced that the votes of ten States had been cast for Thomas Jefferson; that the votes of four States had been cast for Aaron Burr; and that the votes of two States had been cast for *blank*. He thereupon declared Thomas Jefferson elected President of the United States for four years, commencing on the 4th day of March, 1801.

Aaron Burr thereupon became Vice-President for the same term.

ELECTION FOR THE FIFTH TERM, 1805-1809.

*Thomas Jefferson, President; George Clinton, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Thomas Jefferson.	Charles C. Pinckney	George Clinton.	Rufus King.
7	New Hampshire .....	7	.....	7	.....
19	Massachusetts .....	19	.....	19	.....
4	Rhode Island .....	4	.....	4	.....
9	Connecticut .....	.....	9	.....	9
6	Vermont .....	6	.....	6	.....
19	New York .....	19	.....	19	.....
8	New Jersey .....	8	.....	8	.....
20	Pennsylvania .....	20	.....	20	.....
3	Delaware .....	.....	3	.....	3
11	Maryland .....	9	.....	9	.....
24	Virginia .....	24	.....	24	.....
14	North Carolina .....	14	.....	14	.....
10	South Carolina .....	10	.....	10	.....
6	Georgia .....	6	.....	6	.....
5	Tennessee .....	5	.....	5	.....
8	Kentucky .....	8	.....	8	.....
3	Ohio .....	3	.....	3	.....
176	.....	162	14	162	14

Whereupon,

The President of the Senate declared THOMAS JEFFERSON elected President of the United States for four years, commencing with the 4th day of March next; and GEORGE CLINTON elected Vice-President of the United States for four years, commencing on the 4th day of March next.

## ELECTION FOR THE TENTH TERM, 1825-1829.

*John Quincy Adams, President; John C. Calhoun, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.				For Vice-President.				
		Andrew Jackson, of Tennessee.	John Q. Adams, of Massachusetts.	William H. Crawford, of Georgia.	Henry Clay, of Kentucky.	John C. Calhoun, of South Carolina.	Nathan Sanford, of New York.	Nathaniel Macon, of North Carolina.	Andrew Jackson, of Tennessee.	Marin Van Buren, of New York.
8	New Hampshire	8				7			1	
15	Massachusetts	15				15				
4	Rhode Island	4				3				
8	Connecticut	8							8	
7	Vermont	7				7				
36	New York	1	26	5	4	29	7			
8	New Jersey	8				8				
28	Pennsylvania	28				28				
3	Delaware		1	2		1				2
11	Maryland	7	3	1		10			1	
24	Virginia			24				24		
15	North Carolina	15				15				
11	South Carolina	11				11				
9	Georgia			9						9
14	Kentucky				14	7	7			
11	Tennessee	11				11				
16	Ohio				16		16			
5	Louisiana	3	2			5				
5	Indiana	5				5				
3	Mississippi	3				3				
3	Illinois	2	1			3				
5	Alabama	5				5				
9	Maine		9			9				
3	Missouri				3				3	
261		99	84	41	37	182	30	24	13	9

Whereupon,

The President of the Senate declared that no person had a majority of all the votes of the whole number of electors appointed to vote for President of the United States for the term of four years, commencing with the 4th day of March, 1825.

That the three persons having the highest number of votes are, ANDREW JACKSON, of Tennessee; JOHN QUINCY ADAMS, of Massachusetts; and WILLIAM H. CRAWFORD, of Georgia; and that, consequently, the remaining duties devolve on the House of Representatives.

And he further declared, that JOHN C. CALHOUN, of South Carolina, had a majority of the votes of the whole number of electors appointed, and was duly elected Vice-President of the United States

for the term of four years, commencing with the 4th day of March, 1825.

The House of Representatives proceeded in the manner prescribed by the Constitution to the choice of a President of the United States; and upon counting the ballots it appeared that the votes of thirteen States were cast for JOHN QUINCY ADAMS, that the votes of seven States were cast for ANDREW JACKSON, and that the votes of four States had been cast for WILLIAM H. CRAWFORD.

The Speaker of the House then declared JOHN QUINCY ADAMS duly elected President of the United States for the term of four years, commencing on the 4th day of March, 1825.

ELECTION FOR THE ELEVENTH TERM, 1829-1833.

*Andrew Jackson, President; John C. Calhoun, Vice-President.*

Statement of the vote :

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Andrew Jackson, of Tennessee.	John Quincy Adams, of Massachusetts.	John C. Calhoun, of South Carolina.	Richard Rush, of Pennsylvania.
9	Maine.....	1	8	1	8
8	New Hampshire.....		8		8
15	Massachusetts.....		15		15
4	Rhode Island.....		4		4
8	Connecticut.....		8		8
7	Vermont.....		7		7
36	New York.....	20	16	20	16
8	New Jersey.....		8		8
28	Pennsylvania.....	28		28	
3	Delaware.....		3		3
11	Maryland.....	5	6		6
24	Virginia.....	24		24	
15	North Carolina.....	15		15	
11	South Carolina.....	11		11	
9	Georgia.....	9		9	
14	Kentucky.....	14		14	
11	Tennessee.....	11		11	
16	Ohio.....	16		16	
5	Louisiana.....	5		5	
5	Mississippi.....	5		5	
3	Indiana.....	3		3	
5	Illinois.....	5		5	
3	Alabama.....	3		3	
3	Missouri.....	3		3	
261	.....	178	83	171	83
					7



The Vice-President then declared that ANDREW JACKSON, of Tennessee, having a majority of the whole number of the electoral votes, was duly elected President of the United States for four years, commencing with the 4th day of March, 1829; and that JOHN C. CALHOUN, of South Carolina, having a majority of the whole number of the electoral votes, was duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1829.

## ELECTION FOR THE TWELFTH TERM, 1833-1837.

*Andrew Jackson, President; Martin Van Buren, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.				For Vice-President.			
		Andrew Jackson, of Tennessee.	Henry Clay, of Kentucky.	John Floyd, of Virginia.	William Wirt, of Maryland.	M. Van Buren, of New York.	John Sergeant, of Pennsylvania.	William Wilkins, of Pennsylvania.	Henry Lee, of Massachusetts.
10	Maine.....	10				10			
7	New Hampshire.....	7				7			
14	Massachusetts.....		14				14		
4	Rhode Island.....		4				4		
8	Connecticut.....		8				8		
7	Vermont.....				7				
42	New York.....	42				42			
8	New Jersey.....	8				8			
30	Pennsylvania.....	30						30	
3	Delaware.....		3				3		
10	Maryland.....	3	5			3	5		
23	Virginia.....	23				23			
15	North Carolina.....	15				15			
11	South Carolina.....			11					11
11	Georgia.....	11				11			
15	Kentucky.....		15				15		
15	Tennessee.....	15				15			
21	Ohio.....	21				21			
5	Louisiana.....	5				5			
4	Mississippi.....	4				4			
9	Indiana.....	9				9			
5	Illinois.....	5				5			
7	Alabama.....	7				7			
4	Missouri.....	4				4			
288	.....	219	49	11	7	189	49	30	11

The President of the Senate then declared that ANDREW JACKSON, having a majority of the whole number of the electoral votes, was

duly elected President of the United States; and that MARTIN VAN BUREN, having a majority of the whole number of electoral votes, was duly elected Vice-President of the United States.

**ELECTION FOR THE THIRTEENTH TERM, 1837-1841.**

*Martin Van Buren, President; Richard M. Johnson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.					For Vice-President.			
		Martin Van Buren, of New York.	William H. Harrison, of Ohio.	Hugh L. White, of Tennessee.	Daniel Webster, of Massachusetts.	Willie P. Mangum, of North Carolina.	Richard M. Johnson, of Kentucky.	Francis Granger, of New York.	John Tyler, of Virginia.	William Smith, of Alabama.
10	Maine .....	10					10			
7	New Hampshire .....	7					7			
14	Massachusetts .....				14			14		
4	Rhode Island .....	4					4			
8	Connecticut .....	8					8			
7	Vermont .....		7					7		
42	New York .....	42					42			
8	New Jersey .....		8					8		
30	Pennsylvania .....	30					30			
3	Delaware .....		3					3		
10	Maryland .....		10						10	
23	Virginia .....	23								23
15	North Carolina .....	15					15			
11	South Carolina .....					11			11	
11	Georgia .....			11					11	
15	Kentucky .....		15					15		
15	Tennessee .....			15					15	
21	Ohio .....		21					21		
5	Louisiana .....	5					5			
4	Mississippi .....	4					4			
9	Indiana .....		9					9		
5	Illinois .....	5					5			
7	Alabama .....	7					7			
4	Missouri .....	4					4			
3	Arkansas .....	3					3			
3	Michigan .....	3					3			
294	.....	170	73	26	14	11	147	77	47	23

Whereupon,

The President of the Senate declared that MARTIN VAN BUREN, of New York, having received a majority of the whole number of electoral votes, was duly elected President of the United States for four years, commencing with the 4th of March, 1837; and that, no person having a majority of the whole number of electoral votes as

The Vice-President then declared that ANDREW JACKSON, of Tennessee, having a majority of the whole number of the electoral votes, was duly elected President of the United States for four years, commencing with the 4th day of March, 1829; and that JOHN C. CALHOUN, of South Carolina, having a majority of the whole number of the electoral votes, was duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1829.

ELECTION FOR THE TWELFTH TERM, 1833-1837.

*Andrew Jackson, President; Martin Van Buren, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.				For Vice-President.			
		Andrew Jackson, of Tennessee.	Henry Clay, of Kentucky.	John Floyd, of Virginia.	William Wirt, of Maryland.	M. Van Buren, of New York.	John Sergeant, of Pennsylvania.	William Wilkins, of Pennsylvania.	Henry Lee, of Massachusetts.
10	Maine.....	10				10			
7	New Hampshire.....	7				7			
14	Massachusetts.....		14				14		
4	Rhode Island.....		4				4		
8	Connecticut.....		8				8		
7	Vermont.....				7				
42	New York.....	42				42			
8	New Jersey.....	8				8			
30	Pennsylvania.....	30						30	
3	Delaware.....		3				3		
10	Maryland.....	3	5			3	5		
23	Virginia.....	23				23			
15	North Carolina.....	15				15			
11	South Carolina.....			11					11
11	Georgia.....	11				11			
15	Kentucky.....		15				15		
15	Tennessee.....	15				15			
21	Ohio.....	21				21			
5	Louisiana.....	5				5			
4	Mississippi.....	4				4			
9	Indiana.....	9				9			
5	Illinois.....	5				5			
7	Alabama.....	7				7			
4	Missouri.....	4				4			
288	.....	219	49	11	7	189	49	30	11

The President of the Senate then declared that ANDREW JACKSON, having a majority of the whole number of the electoral votes, was

duly elected President of the United States; and that MARTIN VAN BUREN, having a majority of the whole number of electoral votes, was duly elected Vice-President of the United States.

ELECTION FOR THE THIRTEENTH TERM, 1837-1841.

*Martin Van Buren, President; Richard M. Johnson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.					For Vice-President.			
		Martin Van Buren, of New York.	William H. Harrison, of Ohio.	Hugh L. White, of Tennessee.	Daniel Webster, of Massachusetts.	Willie P. Mangum, of North Carolina.	Richard M. Johnson, of Kentucky.	Francis Granger, of New York.	John Tyler, of Virginia.	William Smith, of Alabama.
10	Maine .....	10					10			
7	New Hampshire .....	7					7			
14	Massachusetts .....				14			14		
4	Rhode Island .....	4					4			
8	Connecticut .....	8					8			
7	Vermont .....		7					7		
42	New York .....	42					42			
8	New Jersey .....		8					8		
30	Pennsylvania .....	30					30			
3	Delaware .....		3					3		
10	Maryland .....		10						10	
23	Virginia .....	23								23
15	North Carolina .....	15					15			
11	South Carolina .....					11			11	
11	Georgia .....			11					11	
15	Kentucky .....		15					15		
15	Tennessee .....			15					15	
21	Ohio .....		21					21		
5	Louisiana .....	5					5			
4	Mississippi .....	4					4			
9	Indiana .....		9					9		
5	Illinois .....	5					5			
7	Alabama .....	7					7			
4	Missouri .....	4					4			
3	Arkansas .....	3					3			
3	Michigan .....	3					3			
294	.....	170	73	26	14	11	147	77	47	23

Whereupon,

The President of the Senate declared that MARTIN VAN BUREN, of New York, having received a majority of the whole number of electoral votes, was duly elected President of the United States for four years, commencing with the 4th of March, 1837; and that, no person having a majority of the whole number of electoral votes as

The Vice-President then declared that ANDREW JACKSON, of Tennessee, having a majority of the whole number of the electoral votes, was duly elected President of the United States for four years, commencing with the 4th day of March, 1829; and that JOHN C. CALHOUN, of South Carolina, having a majority of the whole number of the electoral votes, was duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1829.

## ELECTION FOR THE TWELFTH TERM, 1833-1837.

*Andrew Jackson, President; Martin Van Buren, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.				For Vice-President.			
		Andrew Jackson, of Tennessee.	Henry Clay, of Kentucky.	John Floyd, of Virginia.	William Wirt, of Maryland.	M. Van Buren, of New York.	John Sergeant, of Pennsylvania.	William Wilkins, of Pennsylvania.	Henry Lee, of Massachusetts.
10	Maine.....	10				10			
7	New Hampshire.....	7				7			
14	Massachusetts.....		14				14		
4	Rhode Island.....		4				4		
8	Connecticut.....		8				8		
7	Vermont.....				7				
42	New York.....	42				42			
8	Pennsylvania.....								7
30	Delaware.....	30						30	
3	Maryland.....		3				3		
10	Virginia.....		5			3	5		
23	North Carolina.....		23			23			
15	South Carolina.....		15			15			
11	Georgia.....			11					11
11	Kentucky.....	11				11			
15	Tennessee.....		15				15		
15	Ohio.....	15				15			
21	Louisiana.....	21				21			
5	Mississippi.....	5				5			
4	Indiana.....	4				4			
9	Illinois.....	9				9			
5	Alabama.....	5				5			
7	Missouri.....	7				7			
4	.....	4				4			
288	.....	219	49	11	7	189	49	30	11

The President of the Senate then declared that ANDREW JACKSON, having a majority of the whole number of the electoral votes, was

duly elected President of the United States; and that MARTIN VAN BUREN, having a majority of the whole number of electoral votes, was duly elected Vice-President of the United States.

ELECTION FOR THE THIRTEENTH TERM, 1837-1841.

*Martin Van Buren, President; Richard M. Johnson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.					For Vice-President.			
		Martin Van Buren, of New York.	William H. Harrison, of Ohio.	Hugh L. White, of Tennessee.	Daniel Webster, of Massachusetts.	Willie P. Mangum, of North Carolina.	Richard M. Johnson, of Kentucky.	Francis Granger, of New York.	John Tyler, of Virginia.	William Smith, of Alabama.
10	Maine .....	10					10			
7	New Hampshire .....	7					7			
14	Massachusetts .....				14			14		
8	Rhode Island .....	8					8			
7	Connecticut .....									
7	Vermont .....		7					7		
42	New York .....	42					42			
8	New Jersey .....		8					8		
30	Pennsylvania .....	30					30			
3	Delaware .....		3					3		
10	Maryland .....		10						10	
23	Virginia .....	23								23
15	North Carolina .....	15					15			
11	South Carolina .....				11				11	
11	Georgia .....			11					11	
15	Kentucky .....		15					15		
15	Tennessee .....			15					15	
21	Ohio .....		21					21		
5	Louisiana .....	5					5			
4	Mississippi .....	4					4			
9	Indiana .....		9					9		
5	Illinois .....	5					5			
7	Alabama .....	7					7			
4	Missouri .....	4					4			
3	Arkansas .....	3					3			
3	Michigan .....	3					3			
294	.....	170	73	26	14	11	147	77	47	23

Whereupon,

The President of the Senate declared that MARTIN VAN BUREN, of New York, having received a majority of the whole number of electoral votes, was duly elected President of the United States for four years, commencing with the 4th of March, 1837; and that, no person having a majority of the whole number of electoral votes as

Vice-President of the United States, an election to that office had not been effected; that RICHARD M. JOHNSON, of Kentucky, and FRANCIS GRANGER, of New York, were the two highest on the lists of electoral votes; and that it devolved on the Senate of the United States, as provided in the Constitution, to choose from these persons a Vice-President of the United States.

The Senate, having returned to its chamber, proceeded, as the Constitution provides, to the choice of a Vice-President.

The whole number of votes was forty-nine; of which RICHARD M. JOHNSON received thirty-three, and FRANCIS GRANGER sixteen.

RICHARD M. JOHNSON was thereupon declared duly elected Vice-President.

ELECTION FOR THE FOURTEENTH TERM, 1841-1845.

*William Henry Harrison, President; John Tyler, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.		For Vice-President.			
		William H. Harrison, of Ohio.	Martin Van Buren, of New York.	John Tyler, of Virginia.	R. M. Johnson, of Kentucky.	L. W. Tazewell, of Virginia.	James K. Polk, of Tennessee.
10	Maine .....	10		10			
7	New Hampshire .....		7		7		
14	Massachusetts .....	14		14			
4	Rhode Island .....	4		4			
8	Connecticut .....	8		8			
7	Vermont .....	7		7			
42	New York .....	42		42			
8	New Jersey .....	8		8			
30	Pennsylvania .....	30		30			
3	Delaware .....	3		3			
10	Maryland .....	10		10			
23	Virginia .....		23		22		1
15	North Carolina .....	15		15			
11	South Carolina .....		11			11	
11	Georgia .....	11		11			
15	Kentucky .....	15		15			
15	Tennessee .....	15		15			
21	Ohio .....	21		21			
5	Louisiana .....	5		5			
4	Mississippi .....	4		4			
9	Indiana .....	9		9			
5	Illinois .....		5		5		
7	Alabama .....		7		7		
4	Missouri .....		4		4		
3	Arkansas .....		3		3		
3	Michigan .....	3		3			
294	.....	234	60	234	48	11	1

The Vice-President of the United States then declared that WILLIAM HENRY HARRISON, of Ohio, having received a majority of the whole number of the electoral votes, was duly elected President of the United States for four years commencing on the 4th of March, 1841; and that JOHN TYLER, of Virginia, having received a majority of the whole number of the electoral votes, was duly elected Vice-President of the United States for four years commencing on the 4th of March, 1841.



## DEATH OF WILLIAM H. HARRISON.

WILLIAM H. HARRISON, fourteenth President of the United States, died in the Executive Mansion, at Washington, Sunday, April 4, 1841. Upon the occurrence of this event, the following letter was dispatched to JOHN TYLER, Vice-President of the United States, by the hands of the chief clerk of the State Department:

WASHINGTON, *April 4, 1841.*

*To JOHN TYLER, Vice-President of the United States:*

SIR: It has become our most painful duty to inform you that WILLIAM HENRY HARRISON, late President of the United States, has departed this life.

This distressing event took place this day, at the President's Mansion, in this city, at thirty minutes before one in the morning.

We lose no time in dispatching the chief clerk in the State Department as a special messenger to bear you these melancholy tidings.

We have the honor to be, with the highest regard, your obedient servants,

DANIEL WEBSTER,

*Secretary of State.*

THOMAS EWING,

*Secretary of the Treasury.*

JOHN BELL,

*Secretary of War.*

JOHN J. CRITTENDEN,

*Attorney-General.*

FRANCIS GRANGER,

*Postmaster-General.*

Upon the receipt of official intelligence of the death of the President, the Vice-President proceeded immediately to the seat of government, arriving there at five o'clock on the morning of the 6th of April, 1841.

At twelve o'clock, noon, on the same day, he received all the heads of Departments, except the Secretary of the Navy, who was then absent from the seat of government, and in their presence took the oath of office prescribed by the Constitution to be taken by the President of the United States.

ELECTION FOR THE FIFTEENTH TERM, 1845-1849.

*James K. Polk, President ; George M. Dallas, Vice-President.*

Statement of the vote :

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		James K. Polk, of Tennessee.	Henry Clay, of Ken- tucky.	George M. Dallas, of Pennsylvania.	Theodore Freling- huysen, of New York.
9	Maine .....	9		9	
6	New Hampshire .....	6		6	
12	Massachusetts .....		12		12
4	Rhode Island and Providence Plantations .....		4		4
6	Connecticut .....		6		6
6	Vermont .....		6		6
36	New York .....	36		36	
7	New Jersey .....		7		7
26	Pennsylvania .....	26		26	
3	Delaware .....		3		3
8	Maryland .....		8		8
17	Virginia .....	17		17	
11	North Carolina .....		11		11
9	South Carolina .....	9		9	
10	Georgia .....	10		10	
12	Kentucky .....		12		12
13	Tennessee .....		13		13
23	Ohio .....		23		23
6	Louisiana .....	6		6	
6	Mississippi .....	6		6	
12	Indiana .....	12		12	
9	Illinois .....	9		9	
9	Alabama .....	9		9	
7	Missouri .....	7		7	
3	Arkansas .....	3		3	
5	Michigan .....	5		5	
275	.....	170	105	170	105

The President of the Senate *pro tempore* declared that JAMES K. POLK, of Tennessee, having received a majority of the whole number of the electoral votes, was duly elected President of the United States for four years, commencing on the 4th day of March, 1845; and that GEORGE M. DALLAS, of Pennsylvania, having received a majority of the whole number of the electoral votes, was duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1845.

ELECTION FOR THE SIXTEENTH TERM, 1849-1853.

*Zachary Taylor, President; Millard Fillmore, Vice-President.*

Statement of the vote :

No. of electors appointed by each State,	State.	For Presi- dent.		For Vice- President.	
		Z. Taylor, of Louis- iana.	Lewis Cass, of Mich- igan.	M. Fillmore, of New York.	W. O. Butler, of Kentucky.
9	Maine .....		9		9
6	New Hampshire .....		6		6
12	Massachusetts .....	12		12	
4	Rhode Island .....	4		4	
6	Connecticut .....	6		6	
6	Vermont .....	6		6	
36	New York .....	36		36	
7	New Jersey .....	7		7	
26	Pennsylvania .....	26		26	
3	Delaware .....	3		3	
8	Maryland .....	8		8	
17	Virginia .....		17		17
11	North Carolina .....	11		11	
9	South Carolina .....		9		9
10	Georgia .....	10		10	
12	Kentucky .....		12		12
13	Tennessee .....	13		13	
23	Ohio .....		23		23
6	Louisiana .....	6		6	
6	Mississippi .....		6		6
12	Indiana .....		12		12
9	Illinois .....		9		9
9	Alabama .....		9		9
7	Missouri .....		7		7
3	Arkansas .....		3		3
5	Michigan .....		5		5
3	Florida .....	3		3	
4	Texas .....		4		4
4	Iowa .....		4		4
4	Wisconsin .....		4		4
290	.....	163	127	163	127

Whereupon,

The President of the Senate declared that ZACHARY TAYLOR, of Louisiana, having received the greatest number of votes for President, and that number being a majority of the whole number of the electors, was duly elected President of the United States for four years, commencing on the 4th day of March, 1849; and that MILLARD FILLMORE, of New York, having received the greatest

number of votes for Vice-President, and that number being a majority of the whole number of the electors, was duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1849.

DEATH OF ZACHARY TAYLOR.

ZACHARY TAYLOR, sixteenth President of the United States, died in the Executive Mansion at Washington, Tuesday, July 9, 1850. The intelligence of his death was communicated the next day, to the two Houses of Congress, by Millard Fillmore, in the following message:

*Fellow-citizens of the Senate and House of Representatives:*

I have to perform the melancholy duty of announcing to you that it has pleased Almighty God to remove from this life ZACHARY TAYLOR, late President of the United States. He deceased last evening, at the hour of half past ten o'clock, in the midst of his family and surrounded by affectionate friends, calmly and in the full possession of all his faculties. Among his last words were these, which he uttered with emphatic distinctness: "I have always done my duty—I am ready to die—my only regret is for the friends I leave behind me."

Having announced to you, fellow-citizens, this most afflicting bereavement, and assuring you that it has penetrated no heart with deeper grief than mine, it remains for me to say, that I propose this day, at twelve o'clock, in the hall of the House of Representatives, in the presence of both Houses of Congress, to take the oath prescribed by the Constitution, to enable me to enter on the execution of the office which this event has devolved on me.

MILLARD FILLMORE.

WASHINGTON, *July 10, 1850.*

The two houses of Congress immediately passed an order to assemble in the hall of the House of Representatives at the hour and for the purpose indicated in the message of Mr. FILLMORE; and, having notified him that they were there assembled and ready to receive him, Mr. FILLMORE, at twelve o'clock m., entered the hall of the House of Representatives, and, in the presence of the Senate and House of Representatives, the oath of office prescribed by the Constitution to be taken by the President of the United States was administered to him by William Cranch, chief judge of the circuit court of the District of Columbia, in the Speaker's chair.

## ELECTION FOR THE SEVENTEENTH TERM, 1853-1857.

*Franklin Pierce, President; William R. King, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.	For Vice-President.
		Franklin Pierce, of New Hampshire.	William R. King, of Alabama.
8	Maine.....	8	8
5	New Hampshire.....	5	5
13	Massachusetts.....	13	13
4	Rhode Island.....	4	4
6	Connecticut.....	6	6
5	Vermont.....	5	5
35	New York.....	35	35
7	New Jersey.....	7	7
27	Pennsylvania.....	27	27
3	Delaware.....	3	3
8	Maryland.....	8	8
15	Virginia.....	15	15
10	North Carolina.....	10	10
8	South Carolina.....	8	8
10	Georgia.....	10	10
12	Kentucky.....	12	12
12	Tennessee.....	12	12
23	Ohio.....	23	23
6	Louisiana.....	6	6
7	Mississippi.....	7	7
13	Indiana.....	13	13
11	Illinois.....	11	11
9	Alabama.....	9	9
9	Missouri.....	9	9
4	Arkansas.....	4	4
6	Michigan.....	6	6
3	Florida.....	3	3
4	Texas.....	4	4
4	Iowa.....	4	4
5	Wisconsin.....	5	5
4	California.....	4	4
296	.....	254	254

The President *pro tempore* declared that FRANKLIN PIERCE, of New Hampshire, having a majority of the whole number of the electoral votes, was duly elected President of the United States for four years, commencing with the 4th day of March, 1853; and that WILLIAM R. KING, of Alabama, having a majority of the whole number of electoral votes, was duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1853.

ELECTION FOR THE EIGHTEENTH TERM, 1857-1861.

*James Buchanan, President ; John C. Breckinridge, Vice-President.*

Statement of the vote :

No. of electors appointed by each State.	State.	For President.			For Vice-President.		
		James Buchanan, of Pennsylvania.	John C. Fremont, of California.	Millard Fillmore, of New York.	John C. Breckinridge, of Kentucky.	William L. Dayton, of New Jersey.	Andrew J. Donelson, of Tennessee.
8	Maine .....	.....	8	.....	.....	8	.....
5	New Hampshire .....	.....	5	.....	.....	5	.....
13	Massachusetts .....	.....	13	.....	.....	13	.....
4	Rhode Island .....	.....	4	.....	.....	4	.....
6	Connecticut .....	.....	6	.....	.....	6	.....
5	Vermont .....	.....	5	.....	.....	5	.....
35	New York .....	.....	35	.....	.....	35	.....
7	New Jersey .....	7	.....	.....	7	.....	.....
27	Pennsylvania .....	27	.....	.....	27	.....	.....
3	Delaware .....	3	.....	.....	3	.....	.....
8	Maryland .....	.....	.....	8	.....	.....	8
15	Virginia .....	15	.....	.....	15	.....	.....
10	North Carolina .....	10	.....	.....	10	.....	.....
8	South Carolina .....	8	.....	.....	8	.....	.....
10	Georgia .....	10	.....	.....	10	.....	.....
12	Kentucky .....	12	.....	.....	12	.....	.....
12	Tennessee .....	12	.....	.....	12	.....	.....
23	Ohio .....	.....	23	.....	.....	23	.....
6	Louisiana .....	6	.....	.....	6	.....	.....
7	Mississippi .....	7	.....	.....	7	.....	.....
13	Indiana .....	13	.....	.....	13	.....	.....
11	Illinois .....	11	.....	.....	11	.....	.....
9	Alabama .....	9	.....	.....	9	.....	.....
9	Missouri .....	9	.....	.....	9	.....	.....
4	Arkansas .....	4	.....	.....	4	.....	.....
6	Michigan .....	.....	6	.....	.....	6	.....
3	Florida .....	3	.....	.....	3	.....	.....
4	Texas .....	4	.....	.....	4	.....	.....
4	Iowa .....	.....	4	.....	.....	4	.....
5	Wisconsin .....	.....	5	.....	.....	5	.....
4	California .....	4	.....	.....	4	.....	.....
296	.....	174	114	8	174	114	8

The President *pro tempore* declared that JAMES BUCHANAN, of Pennsylvania, having the greatest number of votes for President, and that number being a majority of the whole number of electors, had been duly elected President of the United States for the term prescribed by the Constitution, to commence on the 4th day of March, 1857.

He also declared that JOHN C. BRECKINRIDGE, of Kentucky,

having the greatest number of votes for Vice-President, and that number being a majority of the whole number of electors, had been duly elected Vice-President of the United States for the term prescribed by the Constitution, to commence on the 4th day of March, 1857.

ELECTION FOR THE NINETEENTH TERM, 1861-1865.

*Abraham Lincoln, President; Hannibal Hamlin, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.				For Vice-President.			
		Abraham Lincoln, of Illinois.	John C. Breckinridge, of Kentucky.	John Bell, of Tennessee.	Stephen A. Douglas, of Illinois.	Hannibal Hamlin, of Maine.	Joseph Lane, of Oregon.	Edward Everett, of Massachusetts.	Herschel V. Johnson, of Georgia.
8	Maine .....	8				8			
5	New Hampshire .....	5				5			
13	Massachusetts .....	13				13			
4	Rhode Island .....	4				4			
5	Connecticut .....	5				5			
35	New York .....	35				35			
7	New Jersey .....	7			3	5			
27	Pennsylvania .....	27			3	4			3
3	Delaware .....	3				3			
15	Maryland .....	15				15			
10	Virginia .....	10	15			10		15	
8	North Carolina .....	8				8			
10	South Carolina .....	10				10			
12	Georgia .....	12				12			
12	Kentucky .....	12		12		12			
12	Tennessee .....	12		12		12			
23	Ohio .....	23				23			
6	Louisiana .....	6	6			6			
7	Mississippi .....	7	7			7			
13	Indiana .....	13				13			
11	Illinois .....	11				11			
9	Alabama .....	9				9			
9	Missouri .....	9			9				9
4	Arkansas .....	4	4			4			
6	Michigan .....	6				6			
3	Florida .....	3				3			
4	Texas .....	4				4			
4	Iowa .....	4				4			
5	Wisconsin .....	5				5			
4	California .....	4				4			
4	Minnesota .....	4				4			
3	Oregon .....	3				3			
303	.....	180	72	39	12	180	72	39	12

Whereupon,

The Vice-President declared that ABRAHAM LINCOLN, of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1861.

And that HANNIBAL HAMLIN, of Maine, having received a majority of the whole number of electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1861.

ELECTION FOR THE TWENTIETH TERM, 1865-1869.

*Abraham Lincoln, President; Andrew Johnson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Abraham Lincoln, of Illinois.	George B. McClellan, of New Jersey.	Andrew Johnson, of Tennessee.	George H. Pendleton, of Ohio.
7	Maine .....	7	.....	7	.....
5	New Hampshire .....	5	.....	5	.....
12	Massachusetts .....	12	.....	12	.....
4	Rhode Island .....	4	.....	4	.....
6	Connecticut .....	6	.....	6	.....
5	Vermont .....	5	.....	5	.....
33	New York .....	33	.....	33	.....
7	New Jersey .....	.....	7	.....	7
26	Pennsylvania .....	26	.....	26	.....
3	Delaware .....	.....	3	.....	3
7	Maryland .....	7	.....	7	.....
.....	Virginia .....	.....	.....	.....	.....
.....	North Carolina .....	.....	.....	.....	.....
.....	South Carolina .....	.....	.....	.....	.....
.....	Georgia .....	.....	.....	.....	.....
11	Kentucky .....	.....	11	.....	11
.....	Tennessee .....	.....	.....	.....	.....
21	Ohio .....	21	.....	21	.....
.....	Louisiana .....	.....	.....	.....	.....
13	Indiana .....	13	.....	13	.....
.....	Mississippi .....	.....	.....	.....	.....
16	Illinois .....	16	.....	16	.....
.....	Alabama .....	.....	.....	.....	.....
11	Missouri .....	11	.....	11	.....
.....	Arkansas .....	.....	.....	.....	.....



## Statement of the vote—Continued.

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Abraham Lincoln, of Illinois.	George B. McClellan, of New Jersey.	Andrew Johnson, of Tennessee.	George H. Pendleton, of Ohio.
8	Michigan .....	8		8	
	Florida .....				
	Texas .....				
8	Wisconsin .....	8		8	
8	Iowa .....	8		8	
5	California .....	5		5	
4	Minnesota .....	4		4	
3	Oregon .....	3		3	
3	Kansas .....	3		3	
5	West Virginia .....	5		5	
2	Nevada .....	2		2	
233		212	21	212	21

Whereupon,

The Vice-President declared that ABRAHAM LINCOLN, of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1865.

And that ANDREW JOHNSON, of Tennessee, having received a majority of the whole number of electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1865.

## DEATH OF ABRAHAM LINCOLN.

On the night of the 14th of April, 1865, a little more than one month after his inauguration for a second term as President of the United States, ABRAHAM LINCOLN fell by the hand of an assassin, and expired about seven o'clock the next morning, in the house of a private citizen, whither he had been borne by his friends, near the scene of his assassination.

Upon the death of Mr. LINCOLN, ANDREW JOHNSON, of Tennessee, the Vice-President, took the oath of office prescribed by the Constitution to be taken by the President of the United States, and entered at once upon the duties of that office.

*Election of President and Vice-President.*

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ELECTION FOR THE TWENTY-FIRST TERM, 1869-1873.

*Ulysses S. Grant, President; Schuyler Colfax, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Ulysses S. Grant, of Illinois.	Horatio Seymour, of New York.	Schuyler Colfax, of Indiana.	Francis P. Blair, jr., of Missouri.
5	New Hampshire .....	5		5	
12	Massachusetts .....	12		12	
4	Rhode Island .....	4		4	
6	Connecticut .....	6		6	
5	Vermont .....	5		5	
33	New York .....		33		33
7	New Jersey .....	7		7	
26	Pennsylvania .....	26		26	
3	Delaware .....		3		3
7	Maryland .....		7		7
	Virginia .....				
9	North Carolina .....	9		9	
6	South Carolina .....	6		6	
11	Kentucky .....		11		11
10	Tennessee .....	10		10	
21	Ohio .....	21		21	
7	Louisiana .....		7		7
13	Indiana .....	13		13	
	Mississippi .....				
16	Illinois .....	16		16	
8	Alabama .....	8		8	
7	Maine .....	7		7	
11	Missouri .....	11		11	
5	Arkansas .....	5		5	
8	Michigan .....	8		8	
3	Florida .....	3		3	
	Texas .....				
8	Wisconsin .....	8		8	
8	Iowa .....	8		8	
5	California .....	5		5	
4	Minnesota .....	4		4	
3	Oregon .....		3		3
3	Kansas .....	3		3	
5	West Virginia .....	5		5	
3	Nevada .....	3		3	
3	Nebraska .....	3		3	
285	Excluding the vote of Georgia .....	214	71	214	71
9	Georgia .....		9		9
294	Including the vote of Georgia .....	214	80	214	80

Whereupon,

The President of the Senate declared that ULYSSES S. GRANT, of Illinois, having received a majority of the whole number of the electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1869.

And that SCHUYLER COLFAX, of Indiana, having received a majority of the whole number of the electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1869.

ELECTION FOR THE TWENTY-SECOND TERM, 1873-1877.

*Ulysses S. Grant, President; Henry Wilson, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.					For Vice-President.									
		Ulysses S. Grant, of Illinois.	Horace Greeley, of New York.	B. Gratz Brown, of Missouri.	Thomas A. Hen- dricks, of Indiana.	Charles J. Jenkins, of Georgia.	David Davis, of Illi- nois.	Henry Wilson, of Massachusetts.	B. Gratz Brown, of Missouri.	N. P. Banks, of Mas- sachusetts.	George W. Julian, of Indiana.	Alfred H. Colquitt, of Georgia.	John M. Palmer, of Illinois.	Thomas E. Bram- lette, of Kentucky.	William S. Groes- beck, of Ohio.	Willis B. Machen, of Kentucky.
7	Maine	7						7								
5	New Hampshire	5						5								
13	Massachusetts	13						13								
4	Rhode Island	4						4								
6	Connecticut	6						6								
5	Vermont	5						5								
35	New York	35						35								
9	New Jersey	9						9								
29	Pennsylvania	29						29								
3	Delaware	3						3								
8	Maryland				8				8							
11	Virginia	11						11								
10	North Carolina	10						10								
7	South Carolina	7						7								
11	Georgia			6		2			1		5					
12	Kentucky			4	8				8				3			1
12	Tennessee				12			12								
22	Ohio	22						22								
	Louisiana															
15	Indiana	15						15								
8	Mississippi	8						8								
21	Illinois	21						21								
10	Alabama	10						10								
15	Missouri			8	6	1			6		5		3		1	
	Arkansas															
11	Michigan	11						11								
4	Florida	4						4								
8	Texas				8				8							
10	Wisconsin	10						10								
11	Iowa	11						11								
6	California	6						6								
5	Minnesota	5						5								
3	Oregon	3						3								
5	Kansas	5						5								
5	West Virginia	5						5								
3	Nevada	3						3								
3	Nebraska	3						3								
352		286	18	42	2	1		286	47	1	5	5	3	3	1	1

Whereupon,

The President of the Senate declared that ULYSSES S. GRANT, of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1873.

And that HENRY WILSON, of Massachusetts, having received a majority of the whole number of electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1873.

ELECTION FOR THE TWENTY-THIRD TERM, 1877-1881.

*Rutherford B. Hayes, President; William A. Wheeler, Vice-President.*

Statement of the vote:

No. of electors appointed by each State.	State.	For President.		For Vice-President.	
		Rutherford B. Hayes, of Ohio.	Samuel J. Tilden, of New York.	William A. Wheeler, of New York.	Thomas A. Hendricks, of Indiana.
10	Alabama .....	.....	10	.....	10
6	Arkansas .....	.....	6	.....	6
6	California .....	.....	6	6	.....
3	Colorado .....	.....	3	.....	.....
3	Connecticut .....	.....	6	3	.....
3	Delaware .....	.....	3	.....	6
4	Florida .....	.....	.....	.....	3
11	Georgia .....	4	11	4	.....
21	Illinois .....	.....	.....	.....	11
15	Indiana .....	21	15	21	.....
11	Iowa .....	.....	.....	.....	15
5	Kansas .....	11	.....	11	.....
12	Kentucky .....	5	.....	5	.....
8	Louisiana .....	.....	12	.....	12
7	Maine .....	8	.....	8	.....
8	Maryland .....	7	.....	7	.....
8	Maryland .....	.....	8	.....	8
13	Massachusetts .....	.....	.....	.....	.....
11	Michigan .....	13	.....	13	.....
5	Minnesota .....	11	.....	.....	.....
8	Mississippi .....	5	.....	5	.....
15	Missouri .....	.....	8	.....	8
3	Nebraska .....	.....	15	.....	15
3	Nevada .....	.....	.....	.....	.....
3	New Hampshire .....	.....	.....	.....	.....
9	New Jersey .....	.....	.....	.....	.....
35	New York .....	.....	9	.....	9
10	North Carolina .....	.....	35	.....	35
			10	.....	10

## Statement of the vote—Continued.

No. of electors appointed by each State.	State.	For Presi- dent.		For Vice- President.	
		Rutherford B. Hayes, of Ohio.	Samuel J. Tilden, of New York.	William A. Wheeler, of New York.	Thomas A. Hendricks, of Indiana.
22	Ohio .....	22	.....	22	.....
3	Oregon .....	3	.....	3	.....
4	Rhode Island .....	4	.....	4	.....
29	Pennsylvania .....	29	.....	29	.....
7	South Carolina .....	7	.....	7	.....
12	Tennessee .....	.....	12	.....	12
8	Texas .....	.....	8	.....	8
5	Vermont .....	5	.....	5	.....
11	Virginia .....	.....	11	.....	11
5	West Virginia .....	.....	5	.....	5
10	Wisconsin .....	10	.....	10	.....
369	.....	185	184	185	184

The President of the Senate then made declaration as follows:

Wherefore,

I do declare that RUTHERFORD B. HAYES, of Ohio, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1877.

And that WILLIAM A. WHEELER, of New York, having received a majority of the whole number of electoral votes, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1877.

PRESIDENTIAL INAUGURATIONS FROM MARCH 4, 1789, TO  
MARCH 4, 1877.

FIRST INAUGURATION.

George Washington was inaugurated President of the United States in the Senate chamber, Thursday, April 30, 1789, in the City of New York. The oath of office was administered to him by the chancellor of the State of New York, who exclaimed when the oath was taken, "Long live George Washington, President of the United States!"—[Sen. Jour., vol. 1, p. 18.]

SECOND INAUGURATION.

George Washington was inaugurated for a second term in the Senate chamber, Monday, March 4, 1793, in the city of Philadelphia. The oath of office was administered to him by Mr. Justice Cushing, of Massachusetts, an associate justice of the Supreme Court of the United States. A question was raised upon this occasion whether the oath of office should be taken by General Washington privately or in public, and was discussed in a cabinet meeting, which decided for the public inauguration, General Washington himself inclining to that mode.—[Sparks' Writings of Washington, vol. 10, 323, foot-note.]

THIRD INAUGURATION.

John Adams was inaugurated in the chamber of the House of Representatives, Saturday, March 4, 1797, in the city of Philadelphia. The oath of office was administered to him by Oliver Ellsworth, Chief Justice of the United States.—[Sen. Jour., vol. 2, p. 401.]

FOURTH INAUGURATION.

Thomas Jefferson was inaugurated in the Senate chamber, Wednesday, March 4, 1801, in the city of Washington. The oath of office was administered to him by John Marshall, Chief Justice of the United States.—[Sen. Jour., vol. 3, p. 148.]

FIFTH INAUGURATION.

Thomas Jefferson was inaugurated, for a second term, in the Senate chamber, Monday, March 4, 1805, in the city of Washing-

ton. No proceedings at this inauguration are recorded in the journals of either House of Congress, and the only reference to the subject is the following entry in the Journal of the House of Representatives, of March 1, 1805, vol. 5, p. 158: "The Speaker laid before the House a letter addressed to him, signed 'Th. Jefferson,' notifying that 'he shall take the oath which the Constitution prescribes to the President of the United States, before he enters on the execution of his office, on Monday, the 4th instant, at 12 o'clock, in the Senate chamber.'"

#### SIXTH INAUGURATION.

James Madison was inaugurated in the chamber of the House of Representatives, Saturday, March 4, 1809, in the city of Washington, in accordance with a written notice sent by him to the President of the Senate, to be laid before that body, and dated March 2, 1809. The oath of office was administered to him by John Marshall, Chief Justice of the United States.—[Sen. Journal, vol. 4, p. 367.]

#### SEVENTH INAUGURATION.

James Madison was inaugurated for a second term, Thursday, March 4, 1813. Of this inauguration no notice or reference whatever is to be found in the journals, either of the Senate or House of Representatives; but from the National Intelligencer, of March 6, it appears to have taken place in the Representatives' hall, and that the oath was there administered to him by Chief Justice Marshall.

#### EIGHTH INAUGURATION.

James Monroe was inaugurated Tuesday, March 4, 1817. The oath of office was administered to him by John Marshall, Chief Justice of the United States, on a platform erected for the purpose, in front of the eastern portico of the Capitol, at Washington.

#### NINTH INAUGURATION.

James Monroe was inaugurated for a second term in the hall of the House of Representatives, on Monday, March 5, 1821. [Here the 4th of March fell on *Sunday*.] There is nothing in the journal

of either House in regard to the ceremonies observed at this inauguration, the only reference to the subject being in the report of the joint committee appointed to wait upon him to notify him of his reelection, in which the committee say he informed them that he would take the oath of office in the hall of the House of Representatives at 12 o'clock on Monday next, (*March 5, 1821.*)—[Sen. Jour., 2d sess., Sixteenth Cong., 231; House Jour., 2d sess., Sixteenth Cong., 279.]

## TENTH INAUGURATION.

John Quincy Adams was inaugurated in the hall of the House of Representatives, Friday, March 4, 1825. The oath of office was administered to him by John Marshall, Chief Justice of the United States.

## ELEVENTH INAUGURATION.

Andrew Jackson was inaugurated on the eastern portico of the Capitol, Wednesday, March 4, 1829. The oath of office was administered to him by Chief Justice Marshall.

## TWELFTH INAUGURATION.

Andrew Jackson was inaugurated for a second term in the hall of the House of Representatives, Monday, March 4, 1833. The oath of office was administered to him by Chief Justice Marshall. There is no reference whatever in the journals of either House of this inauguration, and these facts are taken from the *National Intelligencer* of March 5, 1833.

## THIRTEENTH INAUGURATION.

Martin Van Buren was inaugurated on the eastern portico of the Capitol, Saturday, March 4, 1837. The oath of office was administered to him by Chief Justice Taney.

## FOURTEENTH INAUGURATION.

William Henry Harrison was inaugurated on the eastern portico of the Capitol, Thursday, March 4, 1841. The oath of office was administered to him by Chief Justice Taney.



## FIFTEENTH INAUGURATION.

James K. Polk was inaugurated on the eastern portico of the Capitol, Tuesday, March 4, 1845. The oath of office was administered to him by Chief Justice Taney.

## SIXTEENTH INAUGURATION.

Zachary Taylor was inaugurated on the eastern portico of the Capitol, Monday, March 5, 1849. [Here again the 4th of March fell on *Sunday*.] The oath of office was administered to him by Chief Justice Taney.

## SEVENTEENTH INAUGURATION.

Franklin Pierce was inaugurated on the eastern portico of the Capitol, Friday, March 4, 1853. The oath of office was administered to him by Chief Justice Taney.

## EIGHTEENTH INAUGURATION.

James Buchanan was inaugurated on the eastern portico of the Capitol, Wednesday, March 4, 1857. The oath of office was administered to him by Chief Justice Taney.

## NINETEENTH INAUGURATION.

Abraham Lincoln was inaugurated on the eastern portico of the Capitol, Monday, March 4, 1861. The oath of office was administered to him by Chief Justice Taney.

## TWENTIETH INAUGURATION.

Abraham Lincoln was inaugurated for a second term, Saturday, March 4, 1865, on the eastern portico of the Capitol. The oath of office was administered to him by Chief Justice Chase.

## TWENTY-FIRST INAUGURATION.

Ulysses S. Grant was inaugurated on the eastern portico of the Capitol, Thursday, March 4, 1869. The oath of office was administered to him by Chief Justice Chase.

TWENTY-SECOND INAUGURATION.

Ulysses S. Grant was inaugurated for a second term on the eastern portico of the Capitol, Tuesday, March 4, 1873. The oath of office was administered to him by Chief Justice Chase.

TWENTY-THIRD INAUGURATION.

Rutherford B. Hayes was inaugurated on the eastern portico of the Capitol, Monday, March 5, 1877. [Here, for the third time, the 4th of March fell on *Sunday*.] The oath of office was administered to him by Chief Justice Waite.



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CONGRESS OF THE CONFEDERATION.

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EXTRACTS

FROM THE

PROCEEDINGS OF THE CONGRESS OF THE CONFEDERATION  
WHICH LED TO THE ADOPTION OF THE CONSTITU-  
TION, AND FROM THE EARLY PROCEEDINGS  
OF THE FIRST SESSION OF THE FIRST  
CONGRESS UNDER IT.

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PROCEEDINGS OF THE CONGRESS OF THE CONFEDERATION WHICH LED TO THE ADOPTION OF THE CONSTITUTION OF THE UNITED STATES.

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The Congress of the Confederation, upon trial, soon found that the powers derived from the Articles of Confederation were inadequate to the legitimate objects of an effective national government. Defects were more particularly manifest whenever it became necessary to legislate upon the subject of *commerce and of taxes*; and it was at length deemed indispensably necessary to amend the articles in such a way as to give authority and force to the national will in matters of *trade and revenue*. This was from time to time attempted, until the present Constitution of the United States was produced and ratified.

*Proceedings of the Commissioners appointed by several of the States to consider and report upon the means of remedying certain defects in the Articles of Confederation.*

ANNAPOLIS, IN THE STATE OF MARYLAND,

September 11, 1786.

At a meeting of commissioners from the States of New York, New Jersey, Pennsylvania, Delaware, and Virginia:

PRESENT :

*New York.*

ALEXANDER HAMILTON,  
EGBERT BENSON.

*New Jersey.*

ABRAHAM CLARK,  
WILLIAM C. HOUSTON,  
JAMES SCHUREMAN.

*Pennsylvania.*

TENCH COXE.

*Delaware.*

GEORGE READ,  
JOHN DICKINSON,  
RICHARD BASSETT.

*Virginia.*

EDMUND RANDOLPH,  
JAMES MADISON, JR.,  
ST. GEORGE TUCKER.

Mr. Dickinson was unanimously elected chairman.

The commissioners produced their credentials from their respective States, which were read.

After a full communication of sentiments, and deliberate consideration of what would be proper to be done by the commissioners now assembled, it was unanimously agreed that a committee be appointed to prepare a draught of a report to be made to the States having commissioners attending at this meeting.

Adjourned till Wednesday morning.

WEDNESDAY, *September 13, 1786.*

Met agreeable to adjournment.

The committee appointed for that purpose reported the draught of the report, which being read, the meeting proceeded to the consideration thereof; and after some time spent therein, adjourned till to-morrow morning.

THURSDAY, *September 14, 1786.*

Met agreeable to adjournment.

The meeting resumed the consideration of the draught of the report, and after some time spent therein, and amendments made, the same was unanimously agreed to, and is as follows, to wit:

*To the honorable the Legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York, the commissioners from the said States respectively, assembled at Annapolis, humbly beg leave to report :*

That, pursuant to their several appointments, they met at Annapolis, in the State of Maryland, on the 11th day of September instant, and having proceeded to a communication of their powers, they found that the States of New York, Pennsylvania, and Virginia, had, in substance, and nearly in the same terms, authorized their respective commissioners "to meet such commissioners as were or might be appointed by the other States in the Union, at such time and place as should be agreed upon by the said commissioners, to take into consideration the trade and commerce of the United States; to consider how far a uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent

harmony; and to report to the several States such an act relative to this great object as, when unanimously ratified by them, would enable the United States in Congress assembled effectually to provide for the same."

That the State of Delaware had given similar powers to their commissioners, with this difference only, that the act to be framed in virtue of these powers is required to be reported "to the United States in Congress assembled, to be agreed to by them, and confirmed by the Legislature of every State."

That the State of New Jersey had enlarged the object of their appointment, empowering their commissioners "to consider how far an uniform system in their commercial regulations, and *other important matters*, might be necessary to the common interests and permanent harmony of the several States," and to report such an act on the subject as, when ratified by them, "would enable the United States in Congress assembled effectually to provide for the exigencies of the Union."

That appointments of commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom, however, have attended; but that no information has been received by your commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina, or Georgia.

That the express terms of the powers to your commissioners supposing a deputation from all the States, and having for object the trade and commerce of the United States, your commissioners did not conceive it advisable to proceed on the business of their mission under the circumstance of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, your commissioners cannot forbear to indulge an expression of their earnest and unanimous wish that speedy measures may be taken to effect a general meeting of the States, in a future convention, for the same and such other purposes as the situation of public affairs may be found to require.

If, in expressing this wish, or in intimating any other sentiment, your commissioners should seem to exceed the strict bounds of their



appointment, they entertain a full confidence that a conduct dictated by an anxiety for the welfare of the United States will not fail to receive an indulgent construction.

In this persuasion, your commissioners submit an opinion, that the idea of extending the powers of their deputies to other objects than those of commerce, which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future convention. They are the more naturally led to this conclusion, as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal system.

That there are important defects in the system of the Federal Government is acknowledged by the acts of all those States which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode which will unite the sentiments and councils of all the States. In the choice of the mode, your commissioners are of opinion that a convention of deputies from the different States, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference from considerations which will occur without being particularized.

Your commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future convention, with more enlarged powers, is founded, as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are, however, of a nature so seri-

ous, as, in the view of your commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all the members of the Confederacy.

Under this impression, your commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the Union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavors to procure the concurrence of the other States in the appointment of commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Though your commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to represent, they have nevertheless concluded, from motives of respect, to transmit copies of this report to the United States in Congress assembled, and to the Executives of the other States.

By order of the commissioners.

Dated at Annapolis, September 14, 1786.

*Resolved*, That the chairman sign the foregoing report in behalf of the commissioners.

Then adjourned without day.

*New York.*

EGBERT BENSON,  
ALEXANDER HAMILTON.

*New Jersey.*

ABRAHAM CLARK,  
WILLIAM CH. HOUSTON,  
JAMES SCHUREMAN.

*Pennsylvania.*

TENCH COXE.

*Delaware.*

GEORGE READ,  
JOHN DICKINSON,  
RICHARD BASSETT.

*Virginia.*

EDMUND RANDOLPH,  
JAMES MADISON, JR.,  
ST. GEORGE TUCKER.

[In Congress, Wednesday, February 21, 1787.]

*Proceedings of the Congress of the Confederation on the preceding report  
of the commissioners assembled at Annapolis.*

The report of a grand committee, consisting of Mr. Dane, Mr. Varnum, Mr. S. M. Mitchell, Mr. Smith, Mr. Cadwallader, Mr. Irvine, Mr. N. Mitchell, Mr. Forrest, Mr. Grayson, Mr. Blount, Mr. Bull, and Mr. Few, to whom was referred a letter of 14th September, 1786, from J. Dickinson, written at the request of commissioners from the States of Virginia, Delaware, Pennsylvania, New Jersey, and New York, assembled at the city of Annapolis, together with a copy of the report of the said commissioners to the Legislatures of the States by whom they were appointed, being an order of the day, was called up, and which is contained in the following resolution, viz:

Congress having had under consideration the letter of John Dickinson, esq., chairman of the commissioners, who assembled at Annapolis during the last year; also the proceedings of the said commissioners; and entirely coinciding with them as to the inefficiency of the Federal Government, and the necessity of devising such further provisions as shall render the same adequate to the exigencies of the Union, do strongly recommend to the different Legislatures to send forward delegates to meet the proposed convention on the second Monday in May next, at the city of Philadelphia.

The delegates for the State of New York thereupon laid before Congress instructions which they had received from their constituents, and, in pursuance of the said instructions, moved to postpone the further consideration of the report in order to take up the following proposition, viz:

“That it be recommended to the States composing the Union, that a convention of representatives from the said States, respectively, be held at ———, on ———, for the purpose of revising the Articles of Confederation and Perpetual Union between the United States of America, and reporting to the United States in Congress assembled, and to the States respectively, such alterations and amendments of the said Articles of Confederation as the representatives

met in such convention shall judge proper and necessary to render them adequate to the preservation and support of the Union."

On the question to postpone, for the purpose above mentioned, the yeas and nays being required by the delegates for New York:

Massachusetts.....	Mr. King.....	ay	} ay.
	Mr. Dane .....	ay	
Connecticut.....	Mr. Johnson .....	ay	} divided.
	Mr. S. Mitchell.....	no	
New York.....	Mr. Smith.....	ay	} ay.
	Mr. Benson.....	ay	
New Jersey.....	Mr. Cadwallader .....	ay	} no.
	Mr. Clarke .....	no	
	Mr. Schureman .....	no	
Pennsylvania.....	Mr. Irvine .....	no	} no.
	Mr. Meredith .....	ay	
	Mr. Bingham .....	no	
Delaware.....	Mr. N. Mitchell .....	no	
Maryland.....	Mr. Forrest.....	no	
Virginia .....	Mr. Grayson.....	ay	} ay.
	Mr. Madison .....	ay	
North Carolina.....	Mr. Blount.....	no	} no.
	Mr. Hawkins .....	no	
South Carolina.....	Mr. Bull .....	no	} no.
	Mr. Kean .....	no	
	Mr. Huger .....	no	
	Mr. Parker .....	no	
Georgia.....	Mr. Few .....	ay	} divided.
	Mr. Pierce.....	no	

So the question was lost.

A motion was then made by the delegates for Massachusetts to postpone the further consideration of the report, in order to take into consideration a motion which they read in their place; this being agreed to, the motion of the delegates for Massachusetts was taken up, and being amended, was agreed to as follows:

Whereas there is provision in the Articles of Confederation and

Perpetual Union for making alterations therein, by the assent of a Congress of the United States, and of the Legislatures of the several States; and whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States, and particularly the State of New York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable mean of establishing in these States a firm national government;

*Resolved*, That in the opinion of Congress it is expedient that on the second Monday in May next a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.

PROCEEDINGS OF THE CONGRESS OF THE CONFEDERATION ON THE  
REPORT OF THE COMMISSIONERS ASSEMBLED AT PHILADELPHIA  
MAY 14, 1787.

FRIDAY, SEPTEMBER 28, 1787.

Congress having received the report of the convention lately assembled in Philadelphia, in the words following, viz:

“IN CONVENTION—PHILADELPHIA.

“*Monday, September 17, 1787.*

“Present: The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

“1. *Resolved*, That the preceding Constitution [the constitution adopted by the Convention] be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommenda-

tion of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

“2. *Resolved*, That it is the opinion of this Convention, that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

“By the unanimous order of the Convention.

“GEORGE WASHINGTON, *President*.

“WILLIAM JACKSON, *Secretary*.

“IN CONVENTION, *September 17, 1787*.

“SIR: 1. We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

“2. The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident; hence results the necessity of a different organization.

“3. It is obviously impracticable in the Federal Government of

these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

“4. In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

“5. That it will meet the full and entire approbation of every State is not, perhaps, to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country, so dear to us all, and secure her freedom and happiness, is our most ardent wish.

“With great respect, we have the honor to be, sir, your excellency’s most obedient and humble servants.

“By unanimous order of the Convention.

“GEORGE WASHINGTON, *President.*

“His Excellency the PRESIDENT OF CONGRESS.”

*Resolved unanimously,* That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case.

PROCEEDINGS OF THE CONGRESS OF THE CONFEDERATION AFTER  
THE ADOPTION OF THE CONSTITUTION AGREED UPON IN CONVEN-  
TION AT PHILADELPHIA.

SATURDAY, SEPTEMBER 13, 1788.

Congress assembled. Present, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia, and from Rhode Island, Mr. Arnold, and from Delaware, Mr. Kearny.

The following preamble and resolution were adopted by the votes of nine States, North Carolina, Rhode Island, and Delaware not voting :

Whereas the Convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September, in the same year, report to the United States in Congress assembled a Constitution for the people of the United States ; whereupon Congress, on the 28th of the same September, did resolve unanimously, " That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a convention of delegates, chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case ;" and whereas the Constitution so reported by the Convention and by Congress, transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications, duly authenticated, have been received by Congress, and are filed in the office of the Secretary : Therefore,

*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which, before the said day, shall have ratified the said Constitution ; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President ; and that the first Wednesday in March next be the time, and the present seat of Congress\* the place, for commencing proceedings under the said Constitution.

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New York.





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PROCEEDINGS  
OF  
THE FIRST SESSION OF THE FIRST CONGRESS UNDER  
THE CONSTITUTION, SHOWING THE MANNER  
IN WHICH THE GOVERNMENT ESTAB-  
LISHED UNDER IT WAS FIRST  
PUT INTO PRACTICAL  
OPERATION.

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PROCEEDINGS OF THE FIRST SESSION OF THE FIRST  
CONGRESS UNDER THE CONSTITUTION, SHOWING  
THE MANNER IN WHICH THE GOVERNMENT  
ESTABLISHED UNDER IT WAS FIRST PUT INTO  
PRACTICAL OPERATION.

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Eleven States, viz, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia, having ratified the Constitution in accordance with the last stipulation in the resolution of the Old Congress of September 13, 1788, "that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution," the first session of the First Congress commenced in the city of New York, Wednesday, the 4th day of March, 1789.

In conformity to the resolution of September 13, 1788, the electors had been appointed by the several States, and they had met and voted for a President, and the first business of the Congress now assembled was to count the votes and declare the result of that election. This business was greatly retarded for the want of a quorum in the two Houses, which, it would be seen from the journals of their proceedings, did not appear in the Senate until the 6th of April, nor in the House of Representatives until the 1st of the same month. In the mean time both Houses adjourned from day to day; when on the 11th of March, one week after the day fixed for "commencing proceedings under the Constitution," the members of the Senate then present agreed to unite in a circular letter to each of the absentees, requesting his immediate attendance. This letter was signed by the eight members present, and couched in the following language:

NEW YORK, *March 11, 1789.*

SIR: Agreeably to the Constitution of the United States, eight members of the Senate and eighteen of the House of Representa-

tives have attended here since the 4th of March. It being of the utmost importance that a quorum sufficient to proceed to business be assembled as soon as possible, it is the opinion of the gentlemen of both Houses that information of their situation be immediately communicated to the absent members.

We apprehend that no arguments are necessary to evince to you the indispensable necessity of putting the Government into immediate operation, and therefore earnestly request that you will be so obliging as to attend as soon as possible.

We have the honor to be, sir, your obedient humble servants,

JOHN LANGDON.  
PAINE WINGATE.  
CALEB STRONG.  
WILLIAM S. JOHNSON.  
OLIVER ELLSWORTH.  
ROBERT MORRIS.  
WILLIAM MACLAY.  
WILLIAM FEW.

Notwithstanding the earnest and pressing terms in which this appeal was framed, in the language of the record, "the number sufficient to make a quorum not appearing, they adjourned from day to day," until Wednesday, the 18th of March, when another circular letter was addressed to the absentees, signed by the same Senators, and in the following words:

NEW YORK, *March 18, 1789.*

SIR: We addressed a letter to you the 11th instant, since which no Senator has arrived. The House of Representatives will probably be formed in two or three days. Your presence is indispensably necessary. We, therefore, again earnestly request your immediate attendance, and are confident you will not suffer our, and the public, anxious expectations to be disappointed.

This letter was addressed to the absent Senators on the 18th of March, but it was not until the 6th day of April that a quorum, "consisting," in the language of the record, "of a majority of the

whole number of Senators of the United States," attended; when the Senate elected John Langdon, esq., one of the Senators from the State of New Hampshire, President of the Senate, "for the sole purpose of opening and counting the vote for President and Vice-President of the United States."

Immediately upon the election of Mr. Langdon, the following proceedings were had in the Senate:

MONDAY, *April 6, 1789.*

*Ordered,* That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States; and that the Senate is now ready in the Senate chamber to proceed, in the presence of the House, to discharge that duty; and that the Senate have appointed one of their members to sit at the Clerk's table, to make a list of the votes as they shall be declared: submitting it to the wisdom of the House to appoint one or more of their members for the like purpose—who reported that he had delivered the message.

Mr. Boudinot, from the House of Representatives, communicated the following verbal message to the Senate:

MR. PRESIDENT: I am directed by the House of Representatives to inform the Senate that the House is ready forthwith to meet the Senate, to attend the opening and counting of the votes of the electors of the President and Vice-President of the United States. And he withdrew.

The Speaker and the House of Representatives attended in the Senate chamber, for the purpose expressed in the message delivered by Mr. Ellsworth; and after some time withdrew.

The Senate then proceeded by ballot to the choice of a President of their body *pro tempore*. John Langdon, esq., was duly elected.

The President elected for the purpose of counting the votes declared to the Senate that the Senate and House of Representatives had met, and that he, in their presence, had opened and

counted the votes of the electors for President and Vice-President of the United States, which were as follows:

States	George Washington, Esq.	John Adams, Esq.	Samuel Huntington, Esq.	John Jay, Esq.	John Hancock, Esq.	Robert H. Harrison, Esq.	George Clinton, Esq.	John Rutledge, Esq.	John Milton, Esq.	James Armstrong, Esq.	Edward Telfair, Esq.	Benjamin Lincoln, Esq.
New Hampshire .....	5	5										
Massachusetts .....	10	10										
Connecticut .....	7	5	2									
New Jersey .....	6	1		5								
Pennsylvania .....	10	8			2							
Delaware .....	3			3								
Maryland .....	6					6						
Virginia .....	10	5		1	1		3					
South Carolina .....	7				1			6				
Georgia .....	5								2	1	1	1
Total .....	69	34	2	9	4	6	3	6	2	1	1	1

Whereby it appears that George Washington, esq., was unanimously elected President, and John Adams, esq., was duly elected Vice-President of the United States of America.

Immediately upon the declaration of this result a committee was appointed to prepare certificates of election as President and Vice-President, to be forwarded to General Washington and Mr. Adams, respectively. The certificate of General Washington was in the following words:

*"Be it known,* That the Senate and House of Representatives of the United States of America, being convened in the city and State of New York, the sixth day of April, in the year of our Lord one thousand seven hundred and eighty-nine, the underwritten, appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and for a Vice-President; by which it appears that George Washington, esquire,

was unanimously elected, agreeably to the Constitution, to the office of President of the United States of America.

"In testimony whereof I have hereunto set my hand and seal.

"JOHN LANGDON."

A similar certificate, substituting the words "Vice-President" for that of "President," was prepared for Mr. Adams. These certificates, accompanied by appropriate letters from Mr. Langdon, President of the Senate, were despatched, by special messengers appointed by the Senate for that purpose, to General Washington and Mr. Adams.

On the 21st of April, 1789, Mr. Adams was conducted into the Senate chamber by a committee of two Senators appointed to perform that duty, and was met upon the floor of the Senate by Mr. Langdon, the President *pro tempore*, who addressed him in these words :

"SIR: I have it in charge from the Senate to introduce you to the chair of this House, and, also, to congratulate you on your appointment to the office of Vice-President of the United States of America."

After which Mr. Langdon conducted the Vice-President to the chair, when he addressed the Senate as follows :

"GENTLEMEN OF THE SENATE: Invited to this respectable situation by the suffrages of our fellow-citizens, according to the Constitution, I have thought it my duty cheerfully and readily to accept it. Unaccustomed to refuse any public service, however dangerous to my reputation, or disproportioned to my talents, it would have been inconsistent to have adopted another maxim of conduct at this time, when the prosperity of the country and the liberties of the people require, perhaps, as much as ever, the attention of those who possess any share of the public confidence.

"I should be destitute of sensibility if, upon my arrival in this city and presentation to this Legislature, and especially to this Senate, I could see, without emotion, so many of those characters of whose virtuous exertions I have so often been a witness, from whose countenances and examples I have ever derived encouragement and ani-



mation; whose disinterested friendship has supported me in many intricate conjunctures of public affairs, at home and abroad; those celebrated defenders of the liberties of this country, whom menaces could not intimidate, corruption seduce, nor flattery allure; those intrepid assertors of the rights of mankind, whose philosophy and policy have enlightened the world in twenty years more than it was ever before enlightened in many centuries by ancient schools or modern universities.

"I must have been inattentive to the course of events if I were either ignorant of the fame or insensible to the merit of those other characters in the Senate to whom it has been my misfortune to have been hitherto personally unknown.

"It is with satisfaction that I congratulate the people of America on the formation of a national Constitution, and the fair prospect of a consistent administration of a government of laws; on the acquisition of an House of Representatives, chosen by themselves; of a Senate thus composed by their own State Legislatures; and on the prospect of an executive authority, in the hands of one whose portrait I shall not presume to draw. Were I blessed with powers to do justice to his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory. This can only be effected by a discharge of the present exalted trust on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations, whether they have been denominated presidents or consuls, kings or princes, where shall we find one whose commanding talents and virtues, whose overruling good fortune, have so completely united all hearts and voices in his favor—who enjoyed the esteem and admiration of foreign nations and fellow-citizens with equal unanimity? Qualities so uncommon are no common blessings to the country that possesses them. By these great qualities and their benign effects has Providence marked out the head of this nation, with an hand so distinctly visible as to have been seen by all men and mistaken by none.

"It is not for me to interrupt your deliberations by any general observations on the state of the nation, or by recommending or pre-

posing any particular measures. It would be superfluous, to gentlemen of your great experience, to urge the necessity of order. It is only necessary to make an apology for myself. Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates than to preside in their deliberations. It shall be my constant endeavor to behave toward every member of this most honorable body with all that consideration, delicacy, and decorum which becomes the dignity of his station and character. But if, from inexperience or inadvertency, anything should escape me inconsistent with propriety, I must entreat you, by imputing it to its true cause, and not to any want of respect, to pardon and excuse it.

“A trust of the greatest magnitude is committed to this Legislature, and the eyes of the world are upon you. Your country expects from the results of your deliberations, in concurrence with the other branches of government, consideration abroad, and contentment at home; prosperity, order, justice, peace, and liberty; and may God Almighty’s providence assist you to answer their just expectations.”

The Senate being organized by the installation of the Vice-President in his office as President of the Senate, nothing more remained to complete the work necessary for commencing proceedings under the Constitution but the inauguration of the President. To this matter the two Houses of Congress immediately addressed themselves; and the preliminary step of appointing a joint committee to take order for conducting the ceremonial of the formal reception of the President having been taken, the following proceedings were had:

IN SENATE, *Monday, April 27, 1789.*

The committee appointed to take order for conducting the ceremonial of the formal reception of the President, reported: that it appears to them more eligible that the oath should be administered to the President in the outer gallery adjoining the Senate chamber than in the Representatives chamber, and, therefore, submit to the respective Houses the propriety of authorizing their committee to take order as to the place where the oath shall be administered to the President, the resolution of Saturday assigning the Representatives’ chamber as the place notwithstanding.

Read and accepted.

*Resolved*, That after the oath shall have been administered to the President, he, attended by the Vice-President and the members of the Senate and House of Representatives, proceed to St. Paul's Chapel to hear divine service, to be performed by the Chaplain of Congress already appointed.

These proceedings having been sent to the House of Representatives for its concurrence, and having been there concurred in, the following proceedings appear in the journal of the Senate :

IN SENATE, *Thursday, April 30, 1789.*

Mr. Lee, in behalf of the committee appointed to take order for conducting the ceremonial of the formal reception of the President of the United States, having informed the Senate that the same was adjusted, the House of Representatives were notified that the Senate were ready to receive them in the Senate chamber to attend the President of the United States while taking the oath required by the Constitution.

Whereupon,

The House of Representatives, preceded by their Speaker, came into the Senate chamber and took the seats assigned them ; and the joint committee, preceded by their chairman, agreeably to order, introduced the President of the United States to the Senate chamber, where he was received by the Vice-President, who conducted him to the chair, when the Vice-President informed him that "the Senate and House of Representatives of the United States were ready to attend him to take the oath required by the Constitution, and that it would be administered by the chancellor of the State of New York;" to which the President replied he was ready to proceed. And being attended to the gallery in front of the Senate chamber by the Vice-President and Senators, the Speaker and Representatives, and the other public characters present, the oath was administered. After which, the chancellor proclaimed, "LONG LIVE GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES."

The President having returned to his seat, after a short pause arose and addressed the Senate and House of Representatives as follows :

*Fellow-citizens of the Senate and House of Representatives :*

Among the vicissitudes incident to life, no event could have filled

me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpracticed in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity, as well as disinclination for the weighty and untried cases before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect; that His benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes; and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering

this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute in place of a recommendation of particular measures the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that as on one side no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye, which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence

of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love of my country can inspire; since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps, as finally, staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good, for I assure myself that while you carefully avoid every alteration which might endanger the benefits of an united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary

compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive departments, and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without resorting once more to the Benign Parent of the human race, in humble supplication, that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so His divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend.

GEO. WASHINGTON.

APRIL 30.

The President, the Vice-President, the Senate, and House of Representatives, then proceeded to St. Paul's Chapel, where divine service was performed by the Chaplain of Congress, after which the President was reconducted to his house by the committee appointed for that purpose.

To the address of the President, the Senate, on the 7th of May, 1789, voted the following response, which was signed by the Vice-President, and communicated to him by a committee appointed for that purpose:

SIR: We, the Senate of the United States, return you our sincere thanks for your excellent speech delivered to both Houses of Congress; congratulate you on the complete organization of the Federal Government, and felicitate ourselves and our fellow-citizens on your elevation to the office of President; an office highly important by the powers constitutionally annexed to it, and extremely honorable from the manner in which the appointment is made. The unanimous

suffrage of the elective body in your favor is peculiarly expressive of the gratitude, confidence, and affection of the citizens of America, and is the highest testimonial, at once, of your merit and their esteem. We are sensible, sir, that nothing but the voice of your fellow-citizens could have called you from a retreat chosen with the fondest predilection, endeared by habit, and consecrated to the repose of declining years. We rejoice, and with us all America, that, in obedience to the call of our common country, you have returned once more to public life. In you all parties confide; in you all interests unite; and we have no doubt that your past services, great as they have been, will be equaled by your future exertions, and that your prudence and sagacity as a statesman will tend to avert the dangers to which we were exposed, to give stability to the present Government, and dignity and splendor to that country which your skill and valor as a soldier so eminently contributed to raise to independence and empire.

When we contemplate the coincidence of circumstances, and wonderful combination of causes, which gradually prepared the people of this country for independence; when we contemplate the rise, progress, and termination of the late war, which gave them a name among the nations of the earth, we are with you unavoidably led to acknowledge and adore the Great Arbiter of the Universe, by whom empires rise and fall. A review of the many signal instances of Divine interposition in favor of this country claims our most pious gratitude; and permit us, sir, to observe, that among the great events which have led to the formation and establishment of a Federal Government, we esteem your acceptance of the office of President as one of the most propitious and important.

In the execution of the trust reposed in us, we shall endeavor to pursue that enlarged and liberal policy to which your speech so happily directs. We are conscious that the prosperity of each State is inseparably connected with the welfare of all, and that in promoting the latter we shall effectually advance the former. In full persuasion of this truth, it shall be our invariable aim to divest ourselves of local prejudices and attachments, and to view the great assemblage of communities and interests committed to our charge with an equal eye. We feel, sir, the force, and acknowledge the justness of the

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observation that the foundation of our national policy should be laid in private morality ; if individuals be not influenced by moral principles, it is in vain to look for public virtue ; it is, therefore, the duty of legislators to enforce, both by precept and example, the utility as well as the necessity of a strict adherence to the rules of distributive justice. We beg you to be assured that the Senate will, at all times, cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties of this great confederated Republic.

We commend you, sir, to the protection of Almighty God, earnestly beseeching Him long to preserve a life so valuable and dear to the people of the United States, and that your administration may be prosperous to the nation and glorious to yourself.

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CLASSIFICATION OF SENATORS.

One of the first subjects that claimed the consideration of the Senate after its organization under the new Constitution, was the requirement that, "Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year." [*Art. I, sec. 3, cl. 2.*]

As the term for which each Senator had been chosen was six years, their classification (the mode not being prescribed by the Constitution) had necessarily to be arbitrary ; accordingly, on the 11th of May, 1789, a committee was appointed "to consider and report a mode of carrying into execution the second clause of the third section of the first article of the Constitution ;" and on the 14th of May, 1789, the committee reported the following resolution, which was adopted :

"*Resolved*, That the Senators be divided into three classes.

"The *first* to consist of Mr. Langdon, Mr. Johnson, Mr. Morris, Mr. Henry, Mr. Izard, and Mr. Gunn.

"The *second* of Mr. Wingate, Mr. Strong, Mr. Patterson, Mr. Bassett, Mr. Lee, Mr. Butler, and Mr. Few.

"The *third* of Mr. Dalton, Mr. Ellsworth, Mr. Elmer, Mr. Maclay, Mr. Read, Mr. Carroll, and Mr. Grayson.

"That three papers of an equal size, numbered 1, 2, and 3, be by the Secretary rolled up and put into a box, and drawn by Mr. Langdon, Mr. Wingate, and Mr. Dalton, in behalf of the respective classes in which each of them is placed; and that the classes shall vacate their seats in the Senate, according to the order of numbers drawn for them, beginning with number 1.

"And that, when Senators shall take their seats from States that have not yet appointed Senators, they shall be placed by lot in the foregoing classes, but in such manner as shall keep the classes as nearly equal as may be in numbers."

On the next day, the 15th of May, 1789, the drawing for classes under the foregoing resolution took place; when of the twenty Senators then present and entitled to be classed, (the two Senators from the State of New York not having yet presented their credentials,) seven were assigned to class one, whose term would expire on the 3d of March, 1791; seven to class two, whose term would expire on the 3d of March, 1793; and six to class three, whose term would expire on the 3d of March, 1795. The Senate was thus "divided as equally as may be into three classes," but leaving a vacancy in the third class.

After the classification had been thus fixed, the two Senators from the State of New York appeared and were qualified; and on the 28th of July, 1789, they proceeded by order of the Senate to draw lots for their classes, in conformity to the resolve of the 14th of May. There being a vacancy in the third class, two lots or ballots, one numbered *three* and the other a *blank*, were put by the Secretary into a box. The two Senators then drew out the ballots; he who drew the one numbered *three* went into the third class. Thus the classes became equal; but, to ascertain the class of the other Senator, two other ballots, one numbered *one*, and the other numbered *two*, were put into the box, when he drawing the ballot numbered *one* went into the class whose term expired at the end of two years; leaving two terms vacant, number two and number three, to be drawn for by

the two Senators who should represent the State next to be admitted to representation in the Senate. In this way the division of the Senators into classes, whereby "one-third may be chosen every second year," as contemplated by the Constitution, was first fixed and determined; and has since been followed to the present time.

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#### STYLE OF ADDRESS OF THE PRESIDENT.

Among other things that occupied the early attention of Congress was "what style or titles it will be proper to annex to the offices of President and Vice-President of the United States; if any other than those given in the Constitution." This matter was referred to a joint committee, consisting of Mr. Lee, Mr. Izard, and Mr. Dalton, on the part of the Senate, and Mr. Benson, Mr. Ames, Mr. Madison, Mr. Carroll, and Mr. Sherman, on the part of the House of Representatives, who reported a recommendation that the President of the United States be addressed as "*His Excellency*," which was disagreed to by the Senate. The subject was then referred to a committee of conference, who reported "that, in the opinion of the committee, it will be proper thus to address the President: "*His Highness the President of the United States of America, and Protector of their liberties*."

This report was postponed, and the Senate, on the 14th of May, 1789, passed a resolution by which the address of the President was fixed, and which yet remains in force. The resolution is as follows:

"From a decent respect for the opinion and practice of civilized nations, whether under monarchical or republican forms of government, whose custom is to annex titles of respectability to the office of their chief magistrate; and that, on intercourse with foreign nations, a due respect for the majesty of the people of the United States may not be hazarded by an appearance of singularity, the Senate have been induced to be of opinion that it would be proper to annex a respectable title to the office of President of the United States; but the Senate, desirous of preserving harmony with the House of Representatives, where the practice lately observed in presenting an address to the President was without the addition of titles,

think it proper, for the present, to act in conformity with the practice of that House: Therefore,

*“Resolved, That the present address be: ‘To the President of the United States,’ without addition of title.”*

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THE EARLY SESSIONS OF THE SENATE WERE WITH CLOSED DOORS.

From the debates and proceedings of the Senate, for a number of years, commencing with its first session in 1789, the public were excluded, as the Senate sat with its doors closed.

On the 30th of April, 1790, a proposition “that the doors of the Senate chamber shall be open when the Senate is sitting in their legislative capacity, to the end that such of the citizens of the United States as may choose to hear the debates of this House may have an opportunity of so doing,” was submitted but voted down.

This was the first proposition to open the doors of the Senate to the public. At the two subsequent sessions the same proposition was renewed and again rejected. On the 18th of April, 1792, a motion was made to admit the members of the House of Representatives to attend the debates of the Senate when sitting in its legislative capacity, and rejected on a vote taken by yeas and nays: yeas 6, nays 16.

The proposition to admit the public to witness the deliberations of the Senate was repeated from time to time without success, until the 9th of December, 1795, when the following resolution was passed:

*“Resolved, That in conformity to a resolution of the Senate of the United States, passed the 20th day of February, 1794, the gallery of the Senate chamber be permitted to be opened every morning, subject to the restrictions in said resolution mentioned.”*

From that time the debates and proceedings of the Senate, except while in executive session, or while acting upon confidential legislative business, have been open to the public.

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EARLY PRACTICE IN REGARD TO THE SPEECH OF THE PRESIDENT  
AT THE COMMENCEMENT OF A SESSION.

At the commencement of each session of Congress it has been the invariable usage so soon as a quorum of each House has been ascer-

tained to be present, for the Senate and the House of Representatives to exchange notifications with each other of that fact, and to appoint a joint committee to wait upon the President and inform him that Congress is ready to receive any communication he may be pleased to make.

Through this committee the President informs the two Houses that he will, at a certain time, make a communication to them in writing ; and at the time appointed sends to each House, by his private secretary, his annual message, which is read by the Secretary of the Senate and the Clerk of the House in the respective Houses immediately upon its reception.

But this was not the early practice. During the administrations of Washington and Adams, the President, upon being informed that Congress was ready to receive any communication he might be pleased to make, would fix the day and the hour at which he would *meet* the two Houses of Congress. This would usually be in the Senate chamber, where the two Houses would assemble ; at the hour named by the President, he would enter the chamber and proceed to, and occupy, the Vice-President's chair, from which he would deliver his *speech*, which was carefully prepared and written out. In doing this he would first address the two Houses, commencing :

*Gentlemen of the Senate and*

*Gentlemen of the House of Representatives :*

He would next address the House of Representatives, as

*Gentlemen of the House of Representatives.* He would then conclude his speech with another short address to the

*Gentlemen of the Senate and*

*Gentlemen of the House of Representatives :*

after which he would retire, leaving his speech upon the table, and the House of Representatives would return to its hall.

Immediately after the President had retired from the chamber, a committee was appointed to prepare an address to him in answer to his speech. This address, when prepared, was submitted to the Senate for its adoption, and when adopted was signed by the President of the Senate ; the President was then requested, through a committee appointed for that purpose, to inform the Senate at what time and place the address in answer to his *speech* should be presented.

The presentation was usually at his own house, where the Senate would attend, and in its presence the answer to the speech of the President was read by the President of the Senate; after which the President would make his acknowledgments for the address, and the Senate return to its chamber.

This form and ceremony were kept up during the administrations of General Washington and John Adams, and lasted twelve years; when they were dispensed with by Mr. Jefferson in sending his first *message* to Congress, for the reason set forth in the following letter which accompanied the message :

DECEMBER 8, 1801.

*The Hon. the President of the Senate :*

SIR: The circumstances under which we find ourselves at this place, rendering inconvenient the mode heretofore practiced, of making by personal address the first communications between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the Legislature, to the economy of their time, to their relief from embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs.

Trusting that a procedure founded in these motives will meet their approbation, I beg leave through you, sir, to communicate the inclosed message, with the documents accompanying it, to the honorable Senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration.

TH. JEFFERSON.

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SHOWING THE SEVERAL PLACES AT WHICH THE CONGRESS HAS MET,  
COMMENCING WITH ITS FIRST MEETING IN 1789.

The First Congress under the present Constitution met in the city of New York on the 4th day of March, 1789, in pursuance of a resolution of the Congress of the Confederation of September 13, 1788, and held its first session in the City Hall in that city. At this session eleven States were represented in the Senate, viz: New

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Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia.

The second session of the First Congress, which commenced Monday, January 4, 1790, and closed August 12, 1790, was also held in the city of New York. At this session the State of North Carolina was represented, making twelve States.

Congress next met in the city of Philadelphia, on the 6th of December, 1790, and held its first session in that city in Carpenters' Hall. At this session the State of Rhode Island was represented, which made up the "Original Thirteen." It continued to meet in Philadelphia until the 14th of May, 1800, covering a period of nine years and five months, during which three "new States," Vermont, Kentucky, and Tennessee, were admitted into the Union, which now numbered sixteen States.

The next meeting of Congress was in the city of Washington, where it assembled for the first time on the 17th day of November, 1800, and met in the Capitol. Alluding to this in his speech to the two Houses, the President, Mr. Adams, said: "I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I beg to congratulate you, gentlemen, on the prospect of a residence not to be changed."

Congress continued to occupy this building until its destruction by the British in August, 1814; during which time two more new States, Ohio and Louisiana, were added to the Union, making eighteen United States.

When Congress next assembled, which was on the 19th day of September, 1814, under a proclamation of the President, Mr. Madison, it met in chambers which he had caused to be fitted up for its accommodation in the "public building heretofore allotted to the Post, and other public offices." In the mean time, a number of enterprising and public-spirited citizens of Washington formed an association for the purpose, and erected, out of their own private means, on Capitol Hill, near the site of the present Capitol, a building suitable for the accommodation of Congress.

This building, which became so well known in after times as the

"Old Brick Capitol,"\* was leased by the Government for the use of Congress, which held its first session in it on the 13th of December, 1815. Congress occupied this building until the close of the Fifteenth Congress, on the 3d of March, 1819, three years and three months; during which time three more new States, Indiana, Mississippi, and Illinois, were admitted into the Union, making twenty-one States.

By this time the work of repairing and reconstructing the building destroyed by the enemy in 1814 had so far advanced that, at the next meeting of Congress, which assembled Monday, December 6, 1819, the two Houses resumed their sessions in the Capitol on that day.

From this time until Tuesday, the 4th of January, 1859, embracing a period of over thirty-nine years, the Senate continued, without interruption, to occupy its chamber, (now occupied by the Supreme Court of the United States,) when on that day, with impressive ceremonies, arranged by a committee appointed for that purpose, the members of the Senate, after listening to an eloquent and appropriate address by the then Vice-President, John C. Breckinridge, delivered from the chair in the chamber they were about leaving, walked in procession and in state, attended by the officers of the Senate, into its new chamber, where it at once proceeded to business, and where it has since continued to hold its sessions.

When the Senate took possession of its old chamber, in December, 1819, it was composed of forty-two members, there being then twenty-one States; when it left it, on the 4th of January, 1859, it had sixty-four Senators, representing thirty-two States. During the thirty-nine years it occupied this chamber, eleven "new States" were added to the Union, viz: Alabama, Maine, Missouri, Michigan, Arkansas, Florida, Texas, Wisconsin, Iowa, California, and Minnesota. From the admission of Missouri, in 1821, when the Senate numbered forty-eight members, until the admission of Arkansas, in 1836, a period of fifteen years elapsed, in which no new State was admitted.

Since the occupation by the Senate of its present chamber, in January, 1859, the other five States, Oregon, Kansas, West Virginia,

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\* The site of this building was at the corner of A street north and First street east, and is now occupied by three elegant private residences.



Nevada, and Nebraska, that make up the thirty-seven States now composing the Union, were admitted.

GREAT SEAL OF THE UNITED STATES OF AMERICA.

In the Continental Congress, on the 4th of July, 1776, after the signing of the Declaration of Independence, and just before adjourning on that day, a committee, consisting of Dr. Franklin, Mr. J. Adams, and Mr. Jefferson, was appointed "to prepare a device for a seal for the United States of America."

On the 20th of August, 1776, this committee made a report, which was ordered to lie on the table.

On the 20th of June, 1782, in the Congress of the Confederation, the following "device for an armorial achievement and reverse of the great seal for the United States in Congress assembled," was adopted.

ARMS: Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll inscribed with this motto, "*E pluribus Unum*."

For the CREST: Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE: A pyramid unfinished. In the zenith, an eye in a triangle surrounded with glory, proper. Over the eye, these words: "*Annuit cœptis*." On the base of the pyramid, the numerical letters, "MDCCLXXVI." And underneath, the following motto: "*Novus ordo seclorum*." [*Four. Cong., vol. 4, p. 39.*]

By the third section of an act approved September 15, 1789, to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes, it was enacted, "That the seal heretofore used by the United States in Congress assembled, shall be, and hereby is, declared to be the seal of the United States."

The fourth section of the same act provides: "That the Secretary of State shall keep the said seal, and shall make out and record, and

shall affix the said seal to, all civil commissions to officers of the United States, to be appointed by the President by and with the advice and consent of the Senate, or by the President alone: *Provided*, That the said seal shall not be affixed to any commission before the same shall have been signed by the President of the United States, nor to any other instrument or act without the special warrant of the President therefor." [Sept. 15, 1789; 1 Stat., 68.]

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#### THE NATIONAL FLAG.

The first action taken in regard to a national flag is to be found in the proceedings of the Continental Congress of the 14th of June, 1777, when the following resolution was adopted:

"*Resolved*, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white, in a blue field, representing a new constellation." •

This continued to be the national flag, the thirteen stripes and the thirteen stars representing the thirteen States, until two "new States" were admitted into the Union; Vermont on the 4th of March, 1791, and Kentucky on the 1st of June, 1792, when Congress passed an act, January 13, 1794, making an alteration in the flag of the United States, which provided "that from and after the first day of May, Anno Domini one thousand seven hundred and ninety-five, the flag of the United States be fifteen stripes, alternate red and white. That the union be fifteen stars, white, in a blue field."

No further action seems to have been taken respecting the flag, until the subject was brought to the notice of the House of Representatives at the second session of the Fourteenth Congress, on the 9th of December, 1816, by Mr. Peter H. Wendover, a Representative from the State of New York; at whose instance a committee was appointed who made a report, which, however, was not acted upon, and the subject dropped with the close of the session.

At the next session it was renewed by the same gentleman, who again made a report upon the subject, in which he said: The committee are fully persuaded that the form selected for the American flag was truly emblematical of our origin and existence as an inde-

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pendent nation; but they believe, however, that an increase in the number of States in the Union since the flag was altered by law, sufficiently indicates the propriety of such a change in the arrangement of the flag as shall best accord with the reason that led to its original adoption, and sufficiently to mark important periods of our national history.

Referring to the alteration made in the flag by the act of January 13, 1794, he says: The accession of new States since that alteration, and the certain prospect that at no distant period the number of States will be considerably multiplied, render it, in the opinion of the committee, highly inexpedient to increase the number of stripes, as every flag must, in some measure, be limited in size. That under the circumstances they are led to believe no alteration could be made more emblematical of our origin and present existence than to reduce the strips to the original number of thirteen, to represent the number then contending for and happily achieving their independence. And to increase the stars to the number corresponding to the number of States now in the Union, and hereafter to add one star to the flag whenever a new State shall be admitted.

The recommendations of this report were adopted by Congress and embodied in the following act, which was approved April 4, 1818:

AN ACT to establish the flag of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the 4th day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white, that the Union be twenty stars, white in a blue field.

SEC. 2. *And be it further enacted,* That on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the 4th day of July then next succeeding such admission. [*April 4, 1818; 3 Stat., 415.*]

TENURE OF OFFICE OF THE PRESIDENT OF THE SENATE PRO TEM-  
PORE.

At the first session of the Forty-fourth Congress the attention of the Senate was, early in the session, directed to the subject of the tenure of office of the President pro tempore; which, until this time, so far as related to the duration of the appointment, had rested altogether upon the practice of the Senate.

The theory that the office became vacant at the meeting of the Senate after the first recess prevailed during the early sessions of the Senate, not, however, with entire uniformity, until the close of the second session of the Tenth Congress in 1809; when it ceased altogether to be followed. Since that time the President pro tempore, chosen in the absence of the Vice-President, has continued in office without re-election until the Vice-President appeared in the Senate and again took the chair; or until his own absence or the expiration of his senatorial term of office rendered it necessary to make choice of another person. But whatever doubts, if any, may have existed in regard to the tenure of the President pro tempore, they have been removed by the recent action of the Senate, and the tenure of the office is now clearly and distinctly defined.

The subject was brought before the Senate on the 17th of December, 1875, by the introduction of the following resolution, which was referred to the Committee on Privileges and Elections:

Whereas, since the last session of the Senate, the Vice-President of the United States has deceased: Therefore,

Resolved, That, on the 7th day of January next, at one o'clock afternoon, the Senate will proceed to the election of a President pro tempore.

On the 6th of January, 1876, the committee brought in their report, (Sen. Rep. No. 3, 44th Cong., 1st sess.,) in which the tenure of office of the President pro tempore is fully discussed, and in which also is exhibited in detail the practice of the Senate in the election of that officer, as shown by precedents from its Journals, from its first session in 1789 to the present time.

The committee conclude their report with the following propositions:

*First.* That the tenure of a President pro tempore does not expire

State.	Senators.	First entry in Senate.	Expiration of present term.
New York .....	{ Roscoe Conkling .....	March 4, 1867	March 3, 1879
	{ Francis Kernan .....	March 5, 1875	March 3, 1881
North Carolina .....	{ A. S. Merrimon .....	March 4, 1873	March 3, 1879
	{ Matt. W. Ransom .....	April 24, 1872	March 3, 1883
Ohio .....	{ Stanley Matthews* .....	.....	March 3, 1879
	{ Allen G. Thurman .....	March 4, 1869	March 3, 1881
Oregon .....	{ Lafayette Grover .....	March 8, 1877	March 3, 1883
	{ John H. Mitchell .....	March 4, 1873	March 3, 1879
Pennsylvania .....	{ J. D. Cameron† .....	.....	March 3, 1879
	{ William A. Wallace .....	March 5, 1875	March 3, 1881
Rhode Island .....	{ Henry B. Anthony .....	March 4, 1859	March 3, 1883
	{ Ambrose E. Burnside .....	March 5, 1875	March 3, 1881
South Carolina .....	{ John J. Patterson .....	March 4, 1873	March 3, 1879
Tennessee .....	{ James E. Bailey .....	Jan'y 29, 1877	March 3, 1881
	{ Isham G. Harris .....	March 5, 1877	March 3, 1883
Texas .....	{ Richard Coke .....	March 5, 1877	March 3, 1883
	{ S. B. Maxey .....	March 5, 1875	March 3, 1881
Vermont .....	{ George F. Edmunds .....	April 5, 1866	March 3, 1881
	{ Justin S. Morrill .....	March 4, 1867	March 3, 1879
Virginia .....	{ John W. Johnston .....	Jan'y 24, 1870	March 3, 1883
	{ Robert E. Withers .....	March 5, 1875	March 3, 1881
West Virginia .....	{ Henry G. Davis .....	March 4, 1871	March 3, 1883
	{ Frank Hereford .....	Jan'y 31, 1877	March 3, 1881
Wisconsin .....	{ Angus Cameron .....	March 5, 1875	March 3, 1881
	{ Timothy O. Howe .....	March 4, 1861	March 3, 1879

\* Elected in the place of John Sherman during the recess of Congress.

† Elected in the place of Simon Cameron during the recess of Congress.

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